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Item 4 of the provisional agenda*
Consideration of the draft United Nations Convention against Corruption

Report of the Ad Hoc Committee for the Negotiation of a Convention against Corruption on its first session, held in Vienna from 21 January to 1 February 2002

Contents

Chapter		*Paragraphs*	*Page*
I.	Introduction	1-10	2
II.	Organization of the session	11-21	3
	A. Opening of the session	11-14	3
	B. Attendance	15	4
	C. Election of officers	16-19	4
	D. Adoption of the agenda and organization of work	20	4
	E. Documentation	21	5
III.	Discussion on the draft United Nations Convention against Corruption	22-51	5
IV.	Adoption of the report of the Ad Hoc Committee on its first session	52-55	9
Annexes			
I.	List of participants		11
II.	List of documents before the Ad Hoc Committee at its first session		17

* A/AC.261/5.

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I. Introduction

1. In its resolution 55/61 of 4 December 2000, the General Assembly recognized that an effective international legal instrument against corruption, independent of the United Nations Convention against Transnational Organized Crime (resolution 55/25, annex I) was desirable; decided to begin the elaboration of such an instrument in Vienna at the headquarters of the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention; requested the Secretary-General to prepare a report analysing all relevant international instruments, other documents and recommendations addressing corruption and to submit it to the Commission on Crime Prevention and Criminal Justice; and requested the Commission, at its tenth session, to review and assess the report of the Secretary-General and, on that basis, to provide recommendations and guidance as to future work on the development of a legal instrument against corruption.

2. In the same resolution, the General Assembly requested the Secretary-General to convene, upon completion of the negotiation of the United Nations Convention against Transnational Organized Crime and the related protocols, an intergovernmental open-ended expert group to examine and prepare, on the basis of the report of the Secretary-General and of the recommendations of the Commission at its tenth session, draft terms of reference for the negotiation of the future legal instrument against corruption.

3. In its resolution 55/188 of 20 December 2000, the General Assembly reiterated its request to the Secretary-General, as contained in resolution 55/61, to convene an intergovernmental open-ended expert group to examine and prepare draft terms of reference for the negotiation of the future legal instrument against corruption, and invited the expert group to examine the question of illegally transferred funds and the return of such funds to the countries of origin.

4. In its resolution 2001/13 of 24 July 2001, entitled "Strengthening international cooperation in preventing and combating the transfer of funds of illicit origin, derived from acts of corruption, including the laundering of funds, and in returning such funds", the Economic and Social Council requested the intergovernmental open-ended expert group referred to in General Assembly resolution 55/61 to consider, within the context of its mandates, the following issues, inter alia, as possible items of work to be included in the draft terms of reference for the negotiation of a future legal instrument against corruption: (a) strengthening international cooperation in preventing and combating the transfer of funds of illicit origin, including the laundering of funds derived from acts of corruption, and promoting ways and means of enabling the return of such funds; (b) developing the measures necessary to ensure that those working in banking systems and other financial institutions contribute to the prevention of the transfer of funds of illicit origin derived from acts of corruption, for example, by recording transactions in a transparent manner, and to facilitate the return of those funds; (c) defining funds derived from acts of corruption as proceeds of crime and establishing that an act of corruption may be a predicate offence in relation to money-laundering; and (d) determining the appropriate countries to which funds, referred to above, should be returned and the appropriate procedures for such return.

5. Pursuant to General Assembly resolution 55/61, the Intergovernmental Open-Ended Expert Group to Prepare Draft Terms of Reference for the Negotiation of a Future Legal Instrument against Corruption was held in Vienna from 30 July to 3 August 2001 and recommended to the Assembly, through the Commission on Crime Prevention and Criminal Justice and the Economic and Social Council, the adoption of a draft resolution on the terms of reference for the negotiation of an international legal instrument against corruption. The draft resolution was subsequently adopted as Assembly resolution 56/260 of 31 January 2002.

6. In its resolution 56/260, the General Assembly decided that the ad hoc committee established pursuant to resolution 55/61 should negotiate a broad and effective convention, which, subject to the final determination of its title, should be referred to as the "United Nations Convention against Corruption".

7. In the resolution, the General Assembly requested the ad hoc committee, in developing the draft convention, to adopt a comprehensive and multi-disciplinary approach and to consider, inter alia, the following indicative elements: definitions; scope; protection of sovereignty; preventive measures;

criminalization; sanctions and remedies; confiscation and seizure; jurisdiction; liability of legal persons; protection of witnesses and victims; promoting and strengthening international cooperation; preventing and combating the transfer of funds of illicit origin derived from acts of corruption, including the laundering of funds, and returning such funds; technical assistance; collection, exchange and analysis of information; and mechanisms for monitoring implementation.

8. The General Assembly also invited the ad hoc committee to draw on the report of the Intergovernmental Open-Ended Expert Group, on the report of the Secretary-General on existing international legal instruments, recommendations and other documents addressing corruption (E/CN.15/2000/3 and Corr.1), as well as on the relevant parts of the report of the Commission on Crime Prevention and Criminal Justice on its tenth session,[1] and in particular on paragraph 1 of Economic and Social Council resolution 2002/13 as resource materials in the accomplishment of its tasks.

9. The General Assembly requested the ad hoc committee to take into consideration existing international legal instruments against corruption and, whenever relevant, the United Nations Convention against Transnational Organized Crime; decided that the ad hoc committee should be convened in Vienna in 2002 and 2003, as required, and should hold no fewer than three sessions of two weeks each per year; requested the ad hoc committee to complete its work by the end of 2003 according to a schedule to be drawn up by its bureau; and accepted with gratitude the offer of the Government of Argentina to host an informal preparatory meeting of the ad hoc committee established pursuant to resolution 55/61, prior to its first session.

10. The Informal Preparatory Meeting of the Ad Hoc Committee for the Negotiation of a Convention against Corruption was held in Buenos Aires from 4 to 7 December 2001. The Informal Preparatory Meeting held eight meetings.

II. Organization of the session

A. Opening of the session

11. The Ad Hoc Committee for the Negotiation of a Convention against Corruption held its first session in Vienna from 21 January to 1 February 2002, during which it held 20 meetings.

12. Following the election of officers, the Chairman invited the Officer-in-Charge of the United Nations Office at Vienna and the Office for Drug Control and Crime Prevention of the Secretariat to make an opening statement.

13. The Officer-in-Charge of the Office for Drug Control and Crime Prevention stressed that the Ad Hoc Committee was the beginning of a process that would lead to historic action by the international community in the fight against corruption. The task ahead was to equip the world with a broad, comprehensive, functional and effective international instrument that would create or strengthen the capacity of countries to counter corruption. The large number and diversity of the proposals submitted by Governments from all regions were reasons for optimism and demonstrated the keen interest of countries in all parts of the world to making sure that the convention against corruption enjoyed the quality, functionality and universality that were the essential conditions for its widest possible applicability, efficiency and effectiveness.

14. In his opening statement, the Chairman of the Ad Hoc Committee expressed his determination to build consensus and indicated that the draft consolidated text prepared in Buenos Aires was a good point of departure for serious negotiations. The task of the Ad Hoc Committee was to rally together in bringing about a profound change in behaviour and to secure a common commitment against corruption. Despite the fact that for many years the international community had had standards and there had been institutions in place, there was a sense that corruption was gaining ground. The Chairman emphasized that it was necessary to recognize differences and respect cultural legacies, but with the aim of arriving at common denominators for improving the situation. He also advocated the need to affirm certain common ethical principles, as well as to establish a culture of transparency and integrity.

B. Attendance

15. The first session of the Ad Hoc Committee for the Negotiation of a Convention against Corruption was attended by representatives of 97 States. Also attending the first session were observers for United Nations Secretariat units, United Nations bodies and research institutes, specialized agencies and other organizations of the United Nations system, institutes of the United Nations Crime Prevention and Criminal Justice Programme network, intergovernmental organizations and non-governmental organizations. The list of participants is contained in annex I to the present report.

C. Election of officers

16. The Ad Hoc Committee elected the following officers by acclamation:

Chairman: Héctor Charry Samper (Colombia)

Vice-Chairmen: Thomas Stelzer (Austria)
Karoly Bard (Hungary)
Muhyieddeen Touq (Jordan)
Ivan Leslie Collendavelloo (Mauritius)
Abdulkadir Bin Rimdap (Nigeria)
Victor G. Garcia III (Philippines)
Javier Paulinich (Peru)
Peter Redmond Jenkins (United Kingdom of Great Britain and Northern Ireland)

Rapporteur: Anna Grupinska (Poland)

17. The bureau of the Ad Hoc Committee met several times during the first session to consider matters pertaining to the organization of work.

18. The Chairman informed the Ad Hoc Committee that its bureau had decided on the following arrangements, in order to share the work involved in the negotiation of the draft convention:

Preamble and final clauses: Chairman;

General provisions: United Kingdom, assisted by Hungary;

Preventive measures, including the code of conduct contained in the annex: Jordan, assisted by Mauritius;

Articles 19-39, concerning criminalization and liability of legal persons of the draft text: Hungary, assisted by United Kingdom;

Articles 40-50, concerning sanctions and remedies, confiscation and seizures, protection of witnesses and victims, law enforcement cooperation and jurisdiction: Philippines, assisted by Nigeria;

International cooperation: Nigeria, assisted by Peru;

Transfer of funds of illicit origin: Peru, assisted by Austria;

Technical assistance: Mauritius, assisted by Jordan;

Follow-up mechanism: Austria, assisted by Philippines.

19. The bureau had reached this decision on the following understanding:

(a) The negotiation process would remain under the authority of the Chairman;

(b) The Vice-Chairmen would take charge of a particular issue for the purpose of increasing participation and teamwork, as well as of ensuring the advancement of the negotiation process. In that context, the Vice-Chairmen might chair either the plenary or informal consultations on the specific subject matter assigned to them, including engaging interested delegations in informal dialogue in order to attain consensus as necessary;

(c) The Vice-Chairman mentioned first under each subject would take the lead, supported by the Vice-Chairman mentioned second.

D. Adoption of the agenda and organization of work

20. At its 1st meeting, on 21 January 2002, the Ad Hoc Committee adopted the following agenda for its first session:

1. Opening of the first session of the Ad Hoc Committee.
2. Election of officers.
3. Adoption of the agenda and organization of work.
4. Consideration of the draft United Nations Convention against Corruption.
5. Adoption of the report of the Ad Hoc Committee on its first session.

E. Documentation

21. At its first session, the Ad Hoc Committee had before it, in addition to the documents prepared by the Secretariat, documents containing proposals and contributions submitted by the Governments of Algeria, Austria, Azerbaijan, Brazil, Canada, China, the Czech Republic, Egypt, France, Germany, India, Malaysia, Mexico, the Netherlands, Pakistan, Peru, the Philippines, the Russian Federation, Saudi Arabia, Slovenia, South Africa, Spain, Ukraine and the United Kingdom of Great Britain and Northern Ireland. The list of documents is contained in annex II to the present report.

III. Discussion on the draft United Nations Convention against Corruption

22. The Chairman expressed the gratitude of the Ad Hoc Committee to the Government of Argentina for having acted as host to the Informal Preparatory Meeting of the Ad Hoc Committee, held in Buenos Aires in December 2001. He invited the representative of Argentina to report on the results of the Informal Preparatory Meeting.

23. The representative of Argentina informed the Ad Hoc Committee that 56 States had attended the Informal Preparatory Meeting and that 26 proposals had been submitted for consideration. He stressed the functional nature of the meeting, which had aimed at consolidating the various proposals with a view to avoiding duplication. He underlined that the compilation of a consolidated draft text in Buenos Aires should not be perceived as an impediment to submitting further proposals during the negotiations.

24. Before inviting delegations to make general statements, the Chairman encouraged delegations to use the opportunity of their presence at the first session of the Ad Hoc Committee to engage in dialogue, with a view to further streamlining the text of the draft convention.

25. The Chairman also invited delegations to state their positions in relation to specific draft provisions, rather than trying to summarize such views and positions on the entire broad array of matters covered by the draft convention in a general statement.

26. The representative of the Philippines, speaking on behalf of the Group of 77 and China, noted that no country was completely free from corruption and stressed the great importance attached by the members of the Group of 77 and China to the task faced by the Ad Hoc Committee. The Group underscored the importance of creating an effective and binding international legal instrument against corruption that embodied a comprehensive approach and a monitoring mechanism. Such an instrument must establish an internationally binding legal framework encompassing prevention, detection, criminalization, investigation, prosecution and penalization of perpetrators, remedies, rehabilitation and monitoring mechanisms. Likewise, the instrument should address international cooperation and technical assistance among States in their efforts to tackle the problem of corruption. Attention should be given to broadening definitions covering private and public corruption. It was also vital that the new instrument strengthen international cooperation as well as the institutions and the capacity of States to fight corruption, while respecting the sovereignty of States. Moreover, particular attention should be paid to the provisions on exchange of information, lifting banking secrecy in cases where corruption was detected, criteria for determining the country of origin of illicit assets, tracing the transfer of funds of illicit origin, forfeiture and confiscation of proceeds from corruption and shifting the burden of proof. The representative stated that the Group of 77 and China attached great importance to the issue of repatriation of assets of illicit origin. In that connection support was expressed for the proposal by Peru regarding the organization of a seminar in June 2002 to deal with the problems of repatriation of assets of illicit origin. The

representative of the Philippines stressed the importance of maximizing the efficiency of the work of the Ad Hoc Committee by enabling the broadest participation by all Member States. Measures to obtain that objective included making documentation available in advance, avoiding parallel meetings and ensuring availability of interpretation for all meetings of the Ad Hoc Committee. Finally, the representative called on donor countries to provide voluntary contributions for the participation of least developed countries on a non-selective basis.

27. The representative of Spain addressed the Ad Hoc Committee on behalf of the States Members of the United Nations that are members of the European Union and the European Commission. Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey also associated themselves with the statement. The representative of Spain stressed the interest of member States of the European Union in fighting corruption, which was indicated by the proposals several of them had made for the draft convention. The members of the European Union emphasized that the convention should contain both preventive and law enforcement measures, striking a balance between the two types of provisions. They also advocated setting a high global standard, at a level compatible with the principles of existing anti-corruption instruments. In connection with criminalization, the representative stated that account should be taken of existing international legal instruments and that criminal offences and penalties should respect the fundamental principles underlying Member States' legal systems. In that context, he recalled the reservations of the European Union on illicit enrichment. As regards law enforcement measures, it was pointed out that the future convention should cover active and passive corruption in the public sector and corruption of both national and foreign civil servants, including international civil servants. Active and passive corruption in the private sector, as well as trading in influence and accounting offences, should also form part of the negotiations. The States members of the European Union were of the view that the new instrument should cover criminalization of the laundering of proceeds of corruption and should contain provisions on seizure and confiscation as well as international cooperation in that regard. The representative stressed that the important issue of return of illegally acquired assets should be addressed. The provisions of the United Nations Convention against Transnational Organized Crime should be used as the basis for drafting several key elements of the future convention. The European Union was of the view that the future convention against corruption should include binding preventive measures that should reflect the key principles of good governance, integrity and transparency. It was also important to include, in line with the United Nations Convention against Transnational Organized Crime, mechanisms to provide technical assistance to developing countries and countries with economies in transition, as well as the establishment of a monitoring mechanism, which should be effective and flexible.

28. The representative of the Sudan, speaking on behalf of the Group of African States, stated that the scope of the future convention should include all forms of corruption, at the national and international levels, and should include corruption in the public sector as well as in the private sector. The new instrument should also reflect the issues of prevention, detection, investigation, punishment and eradication of corruption, as well as means to facilitate the bridging of differences in legal systems. The members of the African Group attached particular importance to preventing and combating money-laundering and the transfer of funds of illicit origin, as well as to returning illicit funds to the countries of origin. The African Group was disappointed at the fact that the funds currently available to the Secretariat were not sufficient to ensure the participation of all least developed countries in the work of the Ad Hoc Committee. The representative reiterated the importance of effective participation of least developed countries in order to guarantee a truly universal character for the convention and called for voluntary contributions to enable all least developed countries to participate on an equal basis and throughout the negotiation process. The representative of the Sudan recalled the Informal Preparatory Meeting held in Buenos Aires and expressed the hope that the efforts made during that Meeting would have a positive effect on the negotiating process.

29. The representative of Venezuela, speaking on behalf of the Group of Latin American and Caribbean States, thanked the Government of Argentina for hosting the Informal Preparatory Meeting and recalled that on the occasion of that Meeting members of the

Group had submitted substantive proposals, which had been incorporated into the consolidated text of the draft convention (see A/AC.261/3). He recalled that during the Intergovernmental Open-Ended Expert Group to Prepare Draft Terms of Reference for the Negotiation of a Future Legal Instrument against Corruption, held in Vienna from 30 July to 3 August 2001, several elements were identified by the members of the Group of Latin American and Caribbean States for possible inclusion in the new convention, among them measures to prevent and fight the transfer of funds of illicit origin and the laundering of proceeds derived from corruption, as well as measures to facilitate the repatriation of such funds. In that connection, the representative of Venezuela, on behalf of the Group, expressed support for the proposal of the Government of Peru concerning the organization during the second session of the Ad Hoc Committee of a seminar to deal with that issue. The representative reiterated the need for the binding provisions of the future convention to be complemented by measures of technical assistance in order to allow uniform application. It was underlined that the future convention should contain preventive measures as well as provisions on broad international cooperation and mutual assistance. The importance of the involvement of civil society and of the private financial institutions was also underlined. The representative pointed out that it would be advisable to have a schedule of meetings that avoided overlapping between the plenary and informal consultations. Finally, in order to allow the broadest participation in the negotiation process, he suggested that a financing system be established for the participation of least developed countries similar to that followed for the negotiation of the United Nations Convention against Transnational Organized Crime.

30. During the discussion that ensued, numerous representatives expressed their gratitude to the Government of Argentina for having hosted the Informal Preparatory Meeting in Buenos Aires in December 2001.

31. In their statements, several representatives placed emphasis on the need to make possible the attendance of least developed countries at the negotiations in order to produce a truly global and universal instrument and reiterated the call of the representatives of regional groups to donor countries to make resources available to the United Nations to cover the cost of participation of developing countries, in particular least developed countries. In that connection, the representative of Japan announced that his Government had contributed $30,000 to the United Nations Crime Prevention and Criminal Justice Fund for the participation of least developed countries in the work of the Ad Hoc Committee. The representative of France also stated that his Government was considering a voluntary contribution for the same purpose.

32. Several participants welcomed the consolidation of the proposals submitted to the Informal Preparatory Meeting into one text (A/AC.261/3 (Parts I-IV)) and commended the work of the Centre for International Crime Prevention in that connection. Some representatives reiterated the understanding that the Ad Hoc Committee would not limit itself to the options included in the consolidated text but would also consider other proposals presented during the negotiation process.

33. Many representatives expressed the view that the future convention against corruption should be binding, effective, efficient and universal and that it should be a flexible and balanced instrument that would take into account the legal, social, cultural, economic and political differences of countries, as well as their different levels of development. The need to have a convention with clear, precise and realistic provisions that were concretely applicable at the national level was advocated repeatedly.

34. Many representatives also stressed that the future convention should have a multidisciplinary and comprehensive approach and should not only be considered as a criminal law instrument, but should also strike a balance between preventive and law enforcement measures.

35. Some representatives pointed out that the new convention should be developed with full respect for the principles of sovereignty, territorial integrity and non-interference in the internal affairs of States.

36. It was stated that the new convention should be developed taking into account existing international legal instruments against corruption. It was deemed important to ensure that the new convention build on the achievements of those instruments and not set lower standards. Further, it was pointed out that the United Nations Convention against Transnational Organized Crime contained many provisions that encompassed useful solutions and represented

significant achievements, reached by consensus. To the extent possible, the new convention should make full use of those provisions in order to facilitate and expedite the process of negotiation.

37. Several participants indicated that one of the goals of the future convention should be to strengthen the national capacities to fight corruption and enhance international cooperation to prevent, detect, control and eradicate corruption. The view was expressed that the new instrument should focus on international cooperation and, in particular, international judicial cooperation and should not try to tackle corruption at the national level.

38. According to several representatives, the new convention should be a broad-based instrument encompassing all forms of corruption. In particular, reference was made to the need to cover public and private, active and passive corruption, trafficking in influence, international bribery, improper use of state property, obstruction of justice and abuse of power. According to some representatives, the new convention should apply to domestic, foreign and international public officials, whether appointed or elected.

39. The importance of producing clear and precise definitions, in particular of the concepts of "corruption" and "public official", was underlined in many statements. In order to avoid discrepancies in the implementation of the convention, the proposal was to arrive at an autonomous definition of "public official", a definition that did not refer to the domestic law of States. Some delegates emphasized that definitions might vary from chapter to chapter.

40. Prevention was highlighted as a key element of the new instrument. Many representatives stressed the need to strike a balance between prevention and enforcement measures. Some pointed out that those measures should be based on the promotion of integrity, transparency, good governance, fairness and equality before the law. Further, some delegates were of the view that preventive measures would include development of codes of conduct or ethics, an effective and impartial civil service, effective systems for financing political parties; establishment of independent oversight bodies, free and transparent media, transparent public procurement rules and effective regulation of financial systems; denial of the tax deductibility of bribes; promotion of an independent judiciary; and effective implementation of the rule of law. Many delegates expressed the view that, in order to be effective, prevention should address the social and economic roots of corruption. Many representatives also stressed the importance of both the involvement and participation of civil society in preventing corruption and the promotion of public awareness.

41. Several representatives underlined that the preventive measures of the future convention should be binding in order to be effective, while some representatives indicated that those measures should not be of a binding nature and should be tailored to national situations.

42. In relation to criminalization, many representatives stressed the importance of uniform criteria for criminalizing corruption. The need to foresee the liability of legal entities, as well as of establishing appropriate criminal, civil and/or administrative sanctions, both for natural and legal persons was also advocated during the discussion. In the view of some representatives, criminal law measures against corruption would need to include the reversal of the burden of proof and the lifting of bank secrecy. According to some delegates, criminalization of illicit enrichment was also necessary. However, some delegates voiced concern regarding the reversal of the onus of proof, as that would run contrary to constitutional principles or basic principles of domestic law or international obligations and would thus be difficult to envisage.

43. Particular emphasis was placed on the inclusion of provisions of broad international cooperation, including cooperation among law enforcement agencies, exchange of information, training and cooperation in seizure and confiscation. In that connection, several representatives pointed out that the future convention should also provide for technical assistance to developing countries and countries with economies in transition in order to strengthen their institutional capacity to fight corruption and to ensure effective implementation of the convention.

44. Many speakers were of the view that it was essential that the future convention against corruption address in an effective manner the question of the transfer of assets of illicit origin and the need to develop adequate mechanisms and measures to ensure the recovery of such assets. Several representatives highlighted the complex questions related to that

problem and in particular the issue of tracing of funds, the identification of the legitimate beneficiary of funds or assets of illicit origin and the question of title over those funds or assets. In that connection, support was expressed by numerous representatives for the proposal by Peru for the organization, during the second session of the Ad Hoc Committee, of a seminar on the matter.

45. The importance of effective mechanisms for monitoring the implementation of the new convention was emphasized in many statements. It was also pointed out that such mechanisms should have clear and precise tasks and obligations and should be truly effective. According to some representatives, several existing international legal instruments provided useful sources of inspiration in that regard.

46. At the 3rd meeting of the Ad Hoc Committee, on 22 January, the Chairman recalled that, according to its terms of reference, the Ad Hoc Committee was to take into consideration the contributions of non-governmental organizations and civil society, in accordance with United Nations rules and following the practice established by the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime. The Ad Hoc Committee was a body established by the General Assembly and, consequently, followed the rules of procedure of subsidiary bodies of the Assembly.

47. The Chairman indicated that the previous Ad Hoc Committee had admitted non-governmental organizations in consultative status with the Economic and Social Council to its plenary meetings. Informal consultations of every kind (including small working or drafting groups) were designated "closed meetings", that is, only government representatives were admitted. In plenary meetings, observers for non-governmental organizations were allowed to make statements once all representatives had spoken, time permitting. Observers for non-governmental organizations wishing to distribute documents were asked to bring sufficient copies, which would be placed at the documents distribution counter.

48. In view of the nature of the subject matter, it was foreseen that several non-governmental organizations not having consultative status with the Economic and Social Council would approach the Secretariat with requests to submit documentation, participate in the sessions or both. In addition, it was expected that the private sector and national independent bodies would express similar interest.

49. The bureau proposed that the Ad Hoc Committee authorize it to review such requests and decide on a case-by-case basis, within the parameters determined pursuant to General Assembly resolution 56/260. The Ad Hoc Committee approved the proposal submitted by the bureau.

50. The Chairman informed the Ad Hoc Committee that the bureau had received the first such request, from Transparency International, and had decided to allow that non-governmental organization to attend the Committee as an observer.

51. After completion of the general discussion, the Ad Hoc Committee began at its 4th meeting, on 22 January, the first reading of the draft convention against corruption. Having deferred discussion on the preamble at the recommendation of the Chairman, the Ad Hoc Committee completed the first reading of articles 1-39 of the draft convention. The Ad Hoc Committee based its consideration of those articles on the consolidated text contained in document A/AC.261/3 (Parts I and II) and on proposals and contributions made by Governments (A/AC.261/L.2-L.39 and L.42-L.47).

IV. Adoption of the report of the Ad Hoc Committee on its first session

52. On the recommendation of its bureau, the Ad Hoc Committee decided to make every possible effort to complete the first reading of the draft convention at its second session. The proposed organization of work for the second session will reflect that decision.

53. At its 20th meeting, on 1 February 2002, the Ad Hoc Committee adopted the report on its first session (A/AC.261/L.1).

54. Also at its 20th meeting, the Ad Hoc Committee approved the proposal of Peru regarding the organization of a workshop on the question of asset recovery and authorized the Secretariat to organize that workshop for one day during the second session of the Ad Hoc Committee. The purpose of the workshop would be to provide interested participants with technical information and specialized knowledge on the complex issues involved in the question of asset

recovery. Therefore, the workshop would not lead to any formal conclusion. The programme and format of the technical workshop would be finalized by the bureau of the Ad Hoc Committee.

55. At the same meeting, the Ad Hoc Committee approved the provisional agenda and organization of work for its second session, to be held in Vienna from 17 to 28 June 2002 (A/AC.261/L.40).

Notes

[1] *Official Records of the Economic and Social Council, 2001, Supplement No. 10* (E/2001/30/Rev.1).

Annex I

List of participants

States

Algeria	Taous Ferroukhi, Merzak Belhimeur, Linda Briza, Nacer Fellah, Abdelmadjid Mahreche, Mustapha Laharch, Lyazid Mohamed Mehdid, Mohamed Mellah, M'hamed Oualitsene
Angola	F. L. Figueiredo, Antonio Felismino, Antonio Cicero Melo Dias dos Santos, Julio Helder Moura Lucas, Carlos Celestino da Conceição e Silva, Astrigildo Culolo, Orlando Rodrigues
Argentina	Gustavo E. Figueroa, Beatriz Vivas de Lezica
Australia	Annette Willing, Helen Stylianou
Austria	Thomas Stelzer, Johann Froehlich, Helmut Tichy, Michael Postl, Wolfgang Spadinger, Johann Haller, Irene Gartner, Gudrun Zagel, Alexander Wojda
Azerbaijan	Vaqif Sadiqov, Eldar Asgarov, Valentin Cumazade, Rashad Abdullayev, Fikrat Axundov, Faxraddin Qambarov
Belarus	Viktar Gaisenak, Andrei Giro, Olga Zvereva
Belgium	Michel Adam, C. Janssens de Bisthoven, J. S. Jamart, Wouter Boucique
Benin	Anne Cica Adjaï, Fortune Luc Olivier Guezo
Bolivia	Jaime Niño de Guzmán, Mary Carrasco Monje, Miriam Siles Crespo
Brazil	Sergio de Queiroz Duarte, Carlos Roberto Mota Pelegrino, George Rodrigo Bandeira Galindo, Rafael Koerig Gessinger, Renato de Alencar Lima
Bulgaria	Ivan Naydenov, Traiko Spasov
Burkina Faso	Thomas Sanon, Lazare Gansore, Ousmane Traore
Canada	Keith Morrill, Douglas Breithaupt, Reid Cooper
Chile	Raimundo González Aninat, Luis Plaza Gentina
China	Zhang Yishan, Liu Yinghai, Guo Xiaomei, Chen Zhengyun, Zhai Jinrong, Xu Xia, Wang Fan, Zhang Jian
Colombia	Hector Charry Samper, Carlos Eduardo Mejia Escobar, Ciro Arévalo Yepes, Juliana Bustamante Reyes, Carlos Rodriguez Bocanegra, Diana Patricia Mejia Molina
Croatia	Mario Nobilo, Vesna Vuković, Željko Horvatić

Cuba	Jose Ramon Cabanas Rodriguez, Juana Elena Ramos Rodriguez, Julio Cesar Gonzalez Marchante, Fernando del Pino Legon, Ana Ercilla Audivert Coello
Cyprus	Stavros A. Epaminondas, Antonios Theocharous
Czech Republic	Oldrich Krulik, Jaroslav Stepanek
Denmark	Lise Lauridsen, Birte Poulsen, Jes Bisgaard Nielsen
Ecuador	Patricio Palacios, Juan F. Holguín
Egypt	Sameh Shoukry, Iskandar Ghatas, Abdel Meguid Mahmoud, Soliman Abdel Moneim, Mohamed Ahmed Saad, Hazem Mohamed Ahmed Mahfouz, Salah Eldin Zidan Taha, Ahmed Fathalla, Yasser Elatawi
Ethiopia	Siyoum Dagne, Kifle Getachew
Finland	Tom Grönberg, Jaakko Halttunen, Kaarle Lehmus, Antti Kaski
France	Patrick Villemur, Pierre Charasse, Michèle Ramis-Plum, Alexandre Draznieks, Eric Ruelle, Philippe Caillol, Daniel Jacqueme, Claudine Jacob, Catherine Thony Jacques Lajoie, Delphine Lida, Anne Guillou, Emmanuel Meillan
Georgia	Levan Mikeladze, David Zalkaliani, David Kacharava
Germany	Karl Borchard, Hans-Peter Plischka, Manfred Moehrenschlager, Siegrid Jacoby, Jürgen Schmid, Joachim Ziegler, Daniel Ottenberg
Greece	Christos Alexandris, Ekaterini Fountoulaki
Guatemala	Federico Urruela Prado, Sandra Noriega Urizar, Rossana Rivas Godoy
Guinea	Mohamed Lamine Camara, Falcone Francois
Holy See	Leo Boccardi, Ladislav Nemet
Hungary	Istvan Horvath, Attila Zsigmond, Ákos Kara, Henriett Nagy, László Gál, Sándor Virág, Janos Kormos
India	T. P. Sreenivasan, Hamid Ali Rao, Hemant Karkare
Indonesia	Rhousdy Soeriaatmadja, Bambang Prayitno, Harry Purwanto, Haris Nugroho, Ode Rene Mathew Manuhutu
Iran (Islamic Republic of)	Mehdi Danesh-Yazdi, Hossein Ghazizadeh, Ali Hajigholam Saryazdi, Esmaeil Baghaee Hamaneh
Iraq	Muhsun Abdulmajeed
Ireland	Ronan Murphy, Aidan Kirwan, Con O'carroll
Italy	Claudio Moreno, Gioacchino Polimeni, Luca Zilioli, Roberto Bellelli, Giovanni Liguori, Silvia Della Monica, Alfonso Papa
Jamaica	Michael Hylton

Japan	Yukio Takasu, Masayoshi Kamohara, Seiji Morimoto, Hirokazu Urata, Daisuke Moriyama, Jiro Usui, Nobuoki Isii
Jordan	Muhyieddeen Touq, Jamal Al-Shamayleh, Sabah Al Rafie
Kenya	Michael D. Kinyanjui, Florence T. Ochieng
Kuwait	Nabeela Al-Mulla, Bader Al-Mesad, Salah Al-Ben Ali, Zakaria Al-Ansari, Zeiad Al-Anbaie
Lebanon	Samir Chamma, Pierre Kanaan, Caroline Ziade
Libyan Arab Jamahiriya	Said Abdulaati, Faisal Elshaeri, Elbay M. Bashir
Liechtenstein	Patrick Ritter
Lithuania	Jurga Kasputiene
Luxembourg	Jeannine Dennewald
Malaysia	Hussein Haniff, Yaacob Hj. Md. Sam, Munawar Kabir Mohd, Rushan Lufti Mohamed, Ahmad Anwar Adnan, Shariffah Norhana Syed Mustaffa
Malta	N. Buttigieg Scicluna, John Paul Grech, Stephan Tonna Lowell
Mauritius	Ivan Leslie Collendavelloo
Mexico	Patricia Olamendi Torres, Luis Javier Campuzano Piña, Eduardo Hector Moguel Flores, Sandro Garcia-Rojas Castillo, Raúl Carrera Pliego, Julian Juarez Cadenas
Morocco	Tajeddine Baddou, Abdellatif Saadi, Ahmed Fathi, Omar Choukri
Namibia	Lineekela J. Mboti, Simon M. Maruta
Netherlands	Jaap Ramaker, Dennis de Jong, Michiel P. J. Bierkens, Hans Abma, Maarten Prinsen, Jolien Schukking, Jock Geselschap
New Zealand	J. C. Mosley, Nazla Carmine
Nigeria	Abdulkadir Bin Rimdap, Adelakun Abel Ayoko
Norway	Helga Hernes, Guro Hansson Bull, Berit Tvete, Anne Brodtkorb, Marius Stub, Kjetil Aasland
Oman	Saeed Al-Busaidy, Ali Nasser Seif Al-Bualy, Khamis Salim Khamis Al-Khalili, Jacob Al-Saidy, Mahfoodh Dawood Ali Al-Balushi, Ahmed Al-Hasani, Mohamed Al-Dughaishi
Pakistan	Ali Sarwar Naqvi, Tariq Bashir, Ross Masud, Ahmer Bilal Soofi, Muhammad Kamran Akhtar
Panama	Jorge Enrique Halphen Perez

Peru	Javier Paulinich, Alejandro San-Martin, Fidel Rojas Vargas, Carlos Morelli, Hugo Portugal, Manuel Alvarez Espinal
Philippines	Victor G. Garcia III, Cesar D. Buenaflor, Jose Sonny G. Matula, Mary Anne A. Padua
Poland	Anna Grupinska, Mariusz Skowronski, Agnieszka Stawiarz
Portugal	Carlos Neves Ferreira, Gil Galvão, Maria do Carmo Costa, António Folgado, Vanda Sequeira
Qatar	Abdulla Yousef Almal, Fahd Al Hinzab, Mohammed Alsulaiti, Ahmad Al-Houti, Najat Al-Khalaf
Republic of Korea	Chung Hae-Moon, Han Won-Jung, Paek Kee Bong, Ahn Eun-Ju, Kim Soo-Hyun
Romania	Liviu Bota, Nicoleta Iliescu, Sorin Tanasescu, Dan Constantin, Alina Papuc
Russian Federation	I. I. Rogachev, M. I. Kalinin, A. V. Tonkoglas, V. A. Yakovlev, O. B. Rykov, Y. S. Gorbunov, V. V. Belyi, V. A. Grobovoy, V. V. Svinarev, A. G. Norchenko, V. A. Kolodyazhnyi, A. G. Filimonova, V. V. Sergeev, D. R. Okhotnikov, S. V. Zemskyi
Rwanda	Stanislas Kabalira, Paul Ruyenzi
Saudi Arabia	Omar Mohammed Kurdi, Abdulrahim Al-Ghamdi, Abdullah Abdulrahman Al-Yousef, Ahmad Mohammed Al-Khouayter, Hamad S. Al-Natheer, Nayer Mustafa Mossali, Mohammed Ibrahim Al-Hezan, Saleh Abdullah Al-Ghamdi, Mohammed Abdul-Aziz Al Mehizea, Majed Abdul-Mohssen Al Hamid, Saad Khwaji, Saud Al-Mutlaq
Senegal	Ababacar Diop, Doudou Ndir, Felix Oudiane
Slovakia	Alojz Nemethy, Vladimir Kotulic, Oksana Tomova, Jan Malankevic, Marietta Sencáková, Jozef Szabó
Slovenia	Boštjan Penko, Drago Kos, Nina Radulovic, Urban Vehovar
South Africa	A. T. Moleah, A. P. Rapea, I. K. Bodasing, M. Shai, A. J. Du Plessis, M. Lungisa Dyosi, N. S. Schoombie, S. V. Mangcotywa
Spain	Antonio Nuñez García-Saúco, Francisco de Miguel Alvarez, David Melgar, José María de las Cuevas Carretero, Francisco Javier González Ibáñez, Carlos Aránguez Sánchez, Ignacio Baylina Ruiz

Sudan	Abdel Ghaffar A. Hassan, Omer Ahmed Mohamed, Kamal B. Khair
Sweden	Håkan Öberg, Lennart Klackenberg, Åsa Gustafsson
Switzerland	Jacques de Watteville, Heinrich Reimann, Bernard Jaggy, Dieter Cavalleri, Andrea Candrian, Lorenzo Schnyder von Wartensee
Syrian Arab Republic	Safwan Ghanem, Mohamed Onfouan Naeb
Thailand	Karn Chiranond, Chitchai Panichapat, Wanchai Roujanawong, Pongpat Riangkruar, Korbkul Kaewtip, Thanachot Pairoh, Piyatida Chongudomliuk, Suphanvasa Chotikajan, Rongvudhi Virabutr
Togo	Awoki Panassa, Essossimna Legzim
Tunisia	Afif Hendaoui, Emna Lazoghli
Turkey	Aydin Sahinbas, Osman Paksüt, Namik Güner Erpul, Osman Ulukan, Aydin Özbay, Neval Orbay, Jülide Kayihan-Ercin, Rafet Ufuk Önder, A. Metin Eksi, Banu Okumus, Ayfer Aksu
Ukraine	Anatolii Redka, Victor Kryzhanivskyi, Svitlana Pylypets, Valerii Ratsiuk, Oleksii Shovkoplias, Liubov Butenko, Igor Kusnir, Viktoria Kuvshynnykova
United Arab Emirates	Ahmed Rashed Al-Dosari, Ayad Al-Yasiri
United Kingdom of Great Britain and Northern Ireland	Peter Jenkins, Mark Etherton, Nick Coppin, Lisa Witting, Sharon Boyle
United States of America	Elizabeth Verville, Kenneth Brill, Stephen Noble, John Harris, Kathleen Barmon, John Brandolino, David Fisher, Thomas Heinemann, Joe Gangloff, Kenneth Propp
Uruguay	Fructuoso Pittaluga-Fonseca, Elsa Borges, Gustavo Alvarez
Venezuela	Gustavo Márquez Marín, Miriam García de Perez, Ernesto Navazio
Viet Nam	Hoang Van Nha, Nguyen Truong Giang, Tran Dinh Nha, Ha Cong Trong, Nguyen Pham Kim Chi, Pham Van Quang, Vo Van Tuyen
Yemen	Nageeb Ahmed Obeid, Nageeb Ismail Ali
Yugoslavia	Branislav Milinković, Boris Batarilo, Jovica Čekić
Zimbabwe	Clemence Masango, T. J. Kangai, Vova Chikanda, Barbara Chimhandamba

United Nations Secretariat units

Department of Peacekeeping Operations

United Nations bodies

United Nations Development Programme

Institutes of the United Nations Crime Prevention and Criminal Justice Programme network

International Institute of Higher Studies in Criminal Sciences

Specialized agencies of the United Nations system

World Health Organization

Other intergovernmental organizations

Asian-African Legal Consultative Organization, Commonwealth Secretariat, Council of Europe, Council of the European Union, European Commission, Offshore Group of Banking Supervisors, Organization for Security and Cooperation in Europe, Organization of the Islamic Conference, Secretariat of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, Sovereign Military Order of Malta

Non-governmental organizations in consultative status with the Economic and Social Council

General consultative status: International Chamber of Commerce, International Council of Women, International Federation of Business and Professional Women, Soroptimist International, Zonta International

Special consultative status: International Council on Alcohol and Addictions, International Federation of University Women, National Council of German Women's Organizations—Federal Union of Women's Organizations and Women's Group of German Associations, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students), Socialist International Women

Roster: International Police Association

Other non-governmental organizations

Transparency International

Annex II

List of documents before the Ad Hoc Committee at its first session

Document symbol	*Title or description*
A/AC.261/1	Annotated provisional agenda and proposed organization of work
A/AC.261/2 and Corr.1	Report of the Informal Preparatory Meeting of the Ad Hoc Committee for the Negotiation of a Convention against Corruption, held in Buenos Aires from 4 to 7 December 2001
A/AC.261/3 (Part I)	Draft United Nations Convention against Corruption: preamble and articles 1-18
A/AC.261/3 (Part II)	Draft United Nations Convention against Corruption: articles 19-50
A/AC.261/3 (Part III)	Draft United Nations Convention against Corruption: articles 51-59
A/AC.261/3 (Part IV)	Draft United Nations Convention against Corruption: articles 60-75
A/AC.261/L.1	Draft report
A/AC.261/L.2	United Kingdom of Great Britain and Northern Ireland: proposed article on judiciary integrity
A/AC.261/L.3	Slovenia: proposed article defining corruption
A/AC.261/L.4	Germany: amendment to article 2
A/AC.261/L.5	Ukraine: amendment to article 1
A/AC.261/L.6	Ukraine: amendment to article 2
A/AC.261/L.7	Azerbaijan: amendment to article 2
A/AC.261/L.8	Russian Federation: amendment to article 2
A/AC.261/L.9	Egypt: amendment to article 2
A/AC.261/L.10	China: amendment to chapter II (Preventive measures)
A/AC.261/L.11	South Africa: proposal on acts of corruption
A/AC.261/L.12	China: proposal on the definition of corruption
A/AC.261/L.13	Peru: amendment to article 2
A/AC.261/L.14	Philippines: proposal on protection of sovereignty
A/AC.261/L.15	Saudi Arabia: new article on measures relating to education
A/AC.261/L.16	Czech Republic: proposals on article 2

Document symbol	*Title or description*
A/AC.261/L.17	Azerbaijan: amendment to article 6
A/AC.261/L.18	Spain (on behalf of the States Members of the United Nations that are members of the European Union): proposals on article 5
A/AC.261/L.19	Austria, France and Netherlands: amendment to article 6
A/AC.261/L.20	Austria, France and Netherlands: amendment to article 7
A/AC.261/L.21	Austria, France and Netherlands: amendment to article 10
A/AC.261/L.22	Austria, France and Netherlands: amendment to article 11
A/AC.261/L.23	South Africa: amendments to article 8
A/AC.261/L.24	Austria, France and Netherlands: amendment to article 13
A/AC.261/L.25	Austria, France and Netherlands: proposals on articles 5 and 5 bis
A/AC.261/L.26	Ukraine: amendment to article 2
A/AC.261/L.27	Algeria: proposal on article 6
A/AC.261/L.28	Peru: amendment to article 6
A/AC.261/L.29	China: amendment to article 13
A/AC.261/L.30	Algeria: amendment to article 7
A/AC.261/L.31	Ukraine: amendment to article 2
A/AC.261/L.32	Brazil: amendment to article 7
A/AC.261/L.33	Mexico: amendments to articles 7 and 8
A/AC.261/L.34	Mexico: amendments to articles 9-11, 13 and 15
A/AC.261/L.35	Austria, France, India and Netherlands: amendment to article 6
A/AC.261/L.36	Slovenia: amendment to the proposed article on judicial integrity contained in document A/AC.261/L.2
A/AC.261/L.37	Azerbaijan: amendment to article 10
A/AC.261/L.38	Peru: amendment to article 8
A/AC.261/L.39	Mexico: amendment to article 21
A/AC.261/L.40	Draft provisional agenda and proposed organization of work for the second session of the Ad Hoc Committee for the Negotiation of a Convention against Corruption, to be held in Vienna from 17 to 28 June 2002

Document symbol	*Title or description*
A/AC.261/L.41 and Add.1	Revised draft United Nations Convention against Corruption
A/AC.261/L.42	Malaysia: amendment to article 24
A/AC.261/L.43	South Africa: amendment to article 25
A/AC.261/L.44	Malaysia: amendment to article 25
A/AC.261/L.45	United Kingdom of Great Britain and Northern Ireland: amendment to article 9 bis
A/AC.261/L.46	Canada: amendment to article 30
A/AC.261/L.47	South Africa: amendments to articles 2, 22 and 27
A/AC.261/CRP.1	Paper submitted by Spain concerning the seminar on return of illicit funds as proposed by Peru
A/AC.261/CRP.2	Proposal submitted by Germany on a questionnaire to be distributed in preparation for the technical workshop on the question of asset recovery to be held on 21 June 2002

United Nations A/AC.261/4/Corr.1

General Assembly

Distr.: General
17 July 2002

Arabic, Chinese and English only

Ad Hoc Committee for the Negotiation of a Convention against Corruption
Second session
Vienna, 17-28 June 2002
Agenda item 4
Consideration of the draft United Nations Convention against Corruption

Report of the Ad Hoc Committee for the Negotiation of a Convention against Corruption on its first session, held in Vienna from 21 January to 1 February 2002

Corrigendum

Annex I, subsection entitled "Other intergovernmental organizations"

After Council of the European Union, *insert* Customs Cooperation Council,

V.02-56522 (E) 230702 240702

United Nations A/AC.261/5

General Assembly

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9 March 2002

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Ad Hoc Committee for the Negotiation of a Convention against Corruption
Second session
Vienna, 17-28 June 2002

Annotated provisional agenda and proposed organization of work

Provisional agenda

1. Opening of the second session of the Ad Hoc Committee.
2. Adoption of the agenda and organization of work.
3. Consideration of the draft United Nations Convention against Corruption, with particular emphasis on articles 40-50 and chapters IV-VIII.
4. Adoption of the report of the Ad Hoc Committee on its second session.

Annotations

1. Opening of the second session of the Ad Hoc Committee

The second session of the Ad Hoc Committee for the Negotiation of a Convention against Corruption will be convened on Monday, 17 June 2002, at 10 a.m.

2. Adoption of the agenda and organization of work

At its first session, held in Vienna from 21 January to 1 February 2002, the Ad Hoc Committee approved the provisional agenda and proposed organization of work for its second session (A/AC.261/L.40).

The resources available to the Ad Hoc Committee at its second session will permit the holding of two meetings per day with simultaneous interpretation in the official languages of the United Nations.

The proposed organization of work contained in the annex to the present document is intended to facilitate consideration of the agenda items within the time allocated to the session and in accordance with the conference services available.

V.02-53194 (E) 060502 070502

3. Consideration of the draft United Nations Convention against Corruption, with particular emphasis on articles 40-50 and chapters IV-VIII

At its first session, the Ad Hoc Committee concluded the first reading of articles 1-39 of the draft United Nations Convention against Corruption (as contained in documents A/AC.261/3 (Part I) and (Part II)). Also at its first session, the Ad Hoc Committee decided to make every possible effort to complete the first reading of the draft Convention at its second session.

Documentation

Revised draft United Nations Convention against Corruption (A/AC.261/3/Rev.1) (preamble and articles 1-39)

Draft United Nations Convention against Corruption (A/AC.261/3 (Part II)) (for arts. 40-50)

Draft United Nations Convention against Corruption (A/AC.261/3 (Part III)) (arts. 51-59)

Draft United Nations Convention against Corruption (A/AC.261/3 (Part IV)) (arts. 60-75)

Report of the Ad Hoc Committee for the Negotiation of a Convention against Corruption on its first session, held in Vienna from 21 January to 1 February 2002 (A/AC.261/4)

4. Adoption of the report of the Ad Hoc Committee on its second session

The Ad Hoc Committee is to adopt a report on its second session, the draft of which will be prepared by the Rapporteur.

Annex

Proposed organization of work of the second session of the Ad Hoc Committee for the Negotiation of a Convention against Corruption, to be held in Vienna from 17 to 28 June 2002

A. Plenary

Date	*Time*	*Item*	*Title or description*
Monday, 17 June	10 a.m.-1 p.m.	1	Opening of the second session of the Ad Hoc Committee
		2	Adoption of the agenda and organization of work
		3	Consideration of the draft United Nations Convention against Corruption, with particular emphasis on articles 40-50 and chapters IV-VIII
	3-6 p.m.	3	Continuation of the discussion: articles 40-50
Tuesday, 18 June-Wednesday, 19 June	10 a.m.-1 p.m. and 3-6 p.m.	3	Continuation of the discussion: articles 40-40
Thursday, 20 June and Monday, 24 June	10 a.m.-1 p.m. and 3-6 p.m.	3	Continuation of the discussion: chapter IV
Tuesday, 25 June-Wednesday, 26 June	10 a.m.-1 p.m. and 3-6 p.m.	3	Continuation of the discussion: chapter V
Thursday, 27 June	10 a.m.-1 p.m. and 3-6 p.m.	3	Continuation of the discussion: chapters VI and VII
Friday, 28 June	10 a.m.-1 p.m.	3	Continuation and conclusion of the discussion: chapter VIII
	3-6 p.m.	4	Adoption of the report of the Ad Hoc Committee on its second session

B. Technical workshop

At its first session, the Ad Hoc Committee approved the proposal of Peru regarding the organization of a workshop on the question of asset recovery and authorized the Secretariat to organize that workshop for one day during the second session of the Ad Hoc Committee. The purpose of the workshop would be to provide interested participants with technical information and specialized knowledge on the complex issues involved in the question of asset recovery. Therefore, the workshop will not lead to any formal conclusions. The Ad Hoc Committee decided that the programme and format of the technical workshop would be finalized by the bureau of the Ad Hoc Committee.

The bureau of the Ad Hoc Committee met in Vienna on 2 April 2002 and approved the proposals of the Secretariat regarding the format and programme of the technical workshop.

The workshop will be held on Friday, 21 June 2002, from 10 a.m. to 1 p.m. and from 3 to 6 p.m. The workshop will benefit from the facilities available to the Ad Hoc Committee, in particular, simultaneous interpretation in the official languages of the United Nations.

The Secretariat will invite 10 panellists selected by it in consultation and agreement with the bureau of the Ad Hoc Committee to make presentations and to chair the discussion. The panellists will be selected and invited in their individual capacity. In that connection, the Secretariat will draw on information provided by Governments pursuant to Economic and Social Council resolution 2001/13 of 24 July 2001 and will make every effort to ensure equitable geographical representation in its selection.

The discussion at the workshop will be structured around major thematic areas, corresponding to the phases of a hypothetical case study. Each phase of the case study will be assigned to panellists, who will be asked to make brief presentations at the workshop. Following those presentations and comments by other panellists, questions from the floor and discussion will be invited.

The detailed programme of the workshop will be issued in a separate document.

A paper submitted by Spain (on behalf of the States Members of the United Nations that are members of the European Union) concerning the seminar on return of illicit funds as proposed by Peru (A/AC.261/CRP.1) and a proposal submitted by Germany on a questionnaire to be distributed in preparation for the technical workshop on the question of asset recovery to be held on 21 June 2002 (A/AC.261/CRP.2) will be made available for the technical workshop.

United Nations A/AC.261/6

General Assembly

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Ad Hoc Committee for the Negotiation of a Convention against Corruption
Second session
Vienna, 17-28 June 2002

Programme of the technical workshop on asset recovery, to be held in Vienna on 21 June 2002

Note by the Secretariat*

I. Introduction

1. At its first session, the Ad Hoc Committee for the Negotiation of a Convention against Corruption approved the proposal of Peru regarding the organization of a workshop on the question of asset recovery and authorized the Secretariat to organize that workshop for one day during the second session of the Ad Hoc Committee.

2. It was decided that the purpose of the workshop would be to provide interested participants with technical information and specialized knowledge on the complex issues involved in the question of asset recovery. Therefore, it was agreed that the workshop would not lead to any formal conclusion. In addition, the Ad Hoc Committee decided that the programme and format of the technical workshop would be finalized by the bureau of the Ad Hoc Committee and that the workshop, to be held on 21 June 2002, would benefit from the facilities available to the Ad Hoc Committee, in particular by being provided with simultaneous interpretation in the official languages of the United Nations.

3. The bureau of the Ad Hoc Committee held a meeting in Vienna on 2 April 2002 and approved the proposals of the Secretariat regarding the format and programme of the technical workshop. It was decided that the Secretariat would invite 10 panellists, selected by the Secretariat with due regard for equitable geographical representation, to make presentations and animate the discussion.

* The delay in submitting the present document was because of the finalization of the list of panellists for the workshop.

V.02-54726 (E) 30502 310502

4. The bureau indicated that the panellists were to be selected and invited in their individual capacity. In this connection, the Secretariat has drawn on information provided by Governments in response to its request made pursuant to Economic and Social Council resolution 2001/13 of 24 July 2001.

5. It was also decided that the discussion at the workshop would be structured along major thematic areas corresponding to the phases of a hypothetical case study and that each phase of the case study would be assigned to panellists, who would be asked to make brief presentations at the workshop. Following the presentations and comments by other panellists, questions from the floor and discussion would be invited.

6. The programme of the workshop is provided in section II below. The hypothetical case study is contained in the annex.

7. The list of the panellists of the workshop will be issued as an addendum to the present document.

II. Programme of the workshop

8. The programme of the workshop is as follows:

10 a.m.-noon

Introductory remarks by the Chairman of the Ad Hoc Committee for the Negotiation of a Convention against Corruption

Presentation of the hypothetical case study

1. Transfer abroad of funds or assets of illicit origin, efforts to identify the location of such funds or assets and confiscation

(a) Investigation of underlying criminality

(b) Tracing of funds or assets transferred abroad, in particular the identification, collection and preservation of evidence originating in the country of origin

(c) Criminal proceedings against the suspect in the country of origin

(d) Obtaining freezing or seizure orders abroad

(e) Role and obligations of financial institutions

(f) Identification of the countries to approach with regard to the location of illicit funds and assets

(g) Identification of the legal framework for international cooperation, including identification of gaps in existing legislation related to international judicial cooperation and ways to overcome them, as well as normative and procedural incompatibilities

(h) Legal framework for cooperation and other necessary conditions for freezing and seizure measures to prevent the further transfer of funds or assets (evidentiary requirements etc.)

(i) Legal framework for cooperation and other necessary conditions for confiscation measures

(j) Possibility of civil and administrative action to freeze, seize and recover funds or assets

(k) Division of labour between the country of origin and the countries where the funds or assets have been located

(l) Technical assistance: (i) identification of areas and modalities for providing technical assistance to countries in order to improve investigation and judicial capacity in cases related to the recovery of transferred funds or assets of illicit origin; and (ii) problem of financing a case to recover funds or assets of illicit origin (identification of possible sources and modalities for assisting developing countries)

Noon-1 p.m. Comments by panellists, questions from the floor and discussion

3 p.m.-4.30 p.m. 2. Return of funds or assets of illicit origin

(a) Identification of beneficiaries

(b) Legal requirements for the return of funds or assets to the beneficiaries

(c) Ways and means of streamlining cases involving asset recovery

(d) Possible use of asset-sharing mechanisms for disposition of the proceeds to foreign countries in order to avoid arguments about who "owns" what

(e) The issue of competing claims between the country of origin and natural and legal persons

(f) Legal remedies applicable to the offender or (bona fide) third parties in the country or countries concerned in cases involving the return of funds or assets

(g) Division of costs, imposition of taxes etc.

4.30 p.m.-5 p.m. 3. Prevention of the transfer of funds or assets of illicit origin

(a) Identification of possible early warning systems

(b) Implementation at the national level of existing international provisions and obligations for banks and other financial institutions (i.e. "due diligence")

(c) Other preventive measures, including capacity-building for specialization of prosecutors and judges in dealing with cases involving the transfer of funds or assets of illicit origin

5 p.m.-6 p.m. Comments by panellists, questions from the floor and discussion

Annex

Hypothetical case study

1. The former President of country X, before being forced from office, transferred millions of dollars to other countries. The money was transferred through a series of different accounts held in different names in different countries (i.e. A, B, C, D and E). After three years, the former President purchased a villa in country A. Some, but not all, of the missing money is in country A as well. More money is in countries B and C, but a substantial amount is still unaccounted for.

2. The authorities in country X have begun to investigate the origin of the money and have uncovered some relevant witnesses and documents. However, those efforts have been hampered by witnesses not being willing to testify publicly and by the absence of proper documentation in both the public and private sectors. During the former President's Administration, there were virtually no record-keeping, accounting, financial disclosure or other such requirements. An initial attempt to open a criminal case was blocked when a judge appointed by the former President's Administration dismissed all charges as baseless. The authorities of country X are seeking from countries through which the money may have passed bank records that could help to clarify relevant transactions, as well as corporate records that might confirm payment of bribes and other relevant transactions.

3. Based on the evidence gathered so far, the origin of the money held by the former President can be broken down roughly as follows:

$10 million taken directly from the State Treasury over which the former President, during his Administration, had direct signature authority by law

$10 million accepted by the former President during his Administration as bribes from foreign companies for state contracts in country X (some of that money was paid directly into foreign bank accounts and never entered country X)

$10 million in profits from a company in which the former President's son was a majority owner and to which the former President directed numerous state construction contracts during his Administration

$10 million in proceeds from a drug trafficking operation that the former President, during his Administration, allowed to operate in country X with his protection

$10 million diverted by the former President, during his Administration, from various bilateral and multilateral assistance and development projects in country X

$10 million from investments in a now defunct oil exploration venture that was partially run by the State and that, after having attracted foreign and domestic investors, failed because the former President diverted a significant part of its capital during his Administration

$60 million of unknown origin

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Ads Hoc Committee for the Negotiation of a Convention against Corruption
Second session
Vienna, 17-28 June 2002

Programme of the technical workshop on asset recovery, to be held in Vienna on 21 June 2002

Note by the Secretariat*

Addendum

List of panellists

Bruno Dalles (France), Chief of Bureau, Direction of Criminal Affairs, Ministry of Justice

Pascal Gossin (Switzerland), Chief of Section, Mutual Legal Assistance Office, Ministry of Justice

Willie Hofmeyr (South Africa), Deputy National Director of Public Prosecutions, Head of the Asset Forfeiture Unit

Penelope-Ann Mamattah (Ghana), Principal State Attorney, Attorney-General's Department

James K. Robinson (United States of America), Partner at Cadwalader, Wickersham and Taft, Professor of Law and United Nations consultant for the preparation of the global study of the transfer of funds of illicit origin

Kuniji Shibahara (Japan), Professor Emeritus, University of Tokyo

Sergey Skvortsov (Russian Federation), Head of Division, General Department on Economic Crime, Ministry of the Interior

* The delay in submitting the present document was because of the finalization of the list of panellists for the workshop.

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José Carlos Ugaz (Peru), former Special State Attorney for the Montesinos Case and President of Proetica

Haydee B. Yorac (Philippines), Chairperson, Presidential Commission on Good Governance

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United Nations A/AC.261/7

General Assembly

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5 July 2002

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Ad Hoc Committee for the Negotiation of a Convention against Corruption
Third session
Vienna, 30 September-11 October 2002
Item 3 of the provisional agenda*
Consideration of the draft United Nations Convention against Corruption

Report of the Ad Hoc Committee for the Negotiation of a Convention against Corruption on its second session, held in Vienna from 17 to 28 June 2002

Contents

Chapter		*Paragraphs*	*Page*
I.	Introduction	1-4	2
II.	Organization of the session	5-15	2
	A. Opening of the session	5-12	2
	B. Attendance	13	3
	C. Adoption of the agenda and organization of work	14	3
	D. Documentation	15	3
III.	Discussion on the draft United Nations Convention against Corruption	16-21	4
IV.	Adoption of the report of the Ad Hoc Committee on its second session	22-26	5
Annexes			
I.	Technical workshop on asset recovery		6
II.	List of participants		9
III.	List of documents before the Ad Hoc Committee at its second session		17

* A/AC.261/8.

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I. Introduction

1. In its resolution 55/61 of 4 December 2000, the General Assembly recognized that an effective international legal instrument against corruption, independent of the United Nations Convention against Transnational Organized Crime (resolution 55/25, annex I) was desirable and established an ad hoc committee for the negotiation of such an instrument in Vienna at the headquarters of the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention.

2. The Intergovernmental Open-Ended Expert Group to Prepare Draft Terms of Reference for the Negotiation of a Future Legal Instrument against Corruption, convened pursuant to General Assembly resolution 55/61, was held in Vienna from 30 July to 3 August 2001 and recommended to the Assembly, through the Commission on Crime Prevention and Criminal Justice and the Economic and Social Council, the adoption of a draft resolution on the terms of reference for the negotiation of an international legal instrument against corruption. The draft resolution was subsequently adopted as Assembly resolution 56/260 on 31 January 2002.

3. In that resolution, the General Assembly decided that the ad hoc committee should negotiate a broad and effective convention, which, subject to the final determination of its title, should be referred to as the "United Nations Convention against Corruption".

4. In the resolution, the General Assembly requested the ad hoc committee, in developing the draft convention, to adopt a comprehensive and multidisciplinary approach and to consider, inter alia, the following indicative elements: definitions; scope; protection of sovereignty; preventive measures; criminalization; sanctions and remedies; confiscation and seizure; jurisdiction; liability of legal persons; protection of witnesses and victims; promoting and strengthening international cooperation; preventing and combating the transfer of funds of illicit origin derived from acts of corruption, including the laundering of funds, and returning such funds; technical assistance; collection, exchange and analysis of information; and mechanisms for monitoring implementation.

II. Organization of the session

A. Opening of the session

5. The Ad Hoc Committee for the Negotiation of a Convention against Corruption held its second session in Vienna from 17 to 28 June 2002, during which it held 18 meetings. Pursuant to the decision of the Ad Hoc Committee at its first session, two meetings on Friday, 21 June 2002, were devoted to the technical workshop on asset recovery.

6. The Chairman invited the Director-General of the United Nations Office at Vienna and Executive Director of the Office for Drug Control and Crime Prevention of the Secretariat to make an opening statement.

7. The Executive Director stated that, in order to realize the extent of corruption, it would be useful to examine the entries "Errors and omissions" in the International Financial Statistics published by the International Monetary Fund, which revealed frequent instances when the unaccounted segment of a nation's external transactions represented an unacceptably high percentage of its balance of payments. While it would be simplistic to explain such statistics solely as a consequence of corruption, analytical work carried out by the Organisation for Economic Cooperation and Development and the International Monetary Fund had shown a significant inverse correlation between the accuracy and integrity of a country's national accounts and the presence of corruption.

8. Fighting corruption was a condition for good governance and the rule of law, which in turn were the foundations of sustainable development. The Ad Hoc Committee commanded the attention of Governments, international organizations and civil society. Its task was demanding, as it was expected to deliver a comprehensive, functional and effective international instrument to fight corruption. The General Assembly had given the Ad Hoc Committee broad terms of reference, asking it to complete the negotiation process by the end of 2003. By setting a deadline, the international community was demonstrating that the instrument against corruption was needed urgently and that ground-breaking new legal instruments could be produced at the United Nations within a reasonable time. The availability of so many initial proposals gave reason for optimism and proved that the international

community wished to ensure that the Convention against Corruption would enjoy the widest application, the maximum efficiency and the strongest effectiveness. One matter especially difficult to negotiate would be asset recovery and, in order to make sure that that topic was fully appreciated, a technical workshop would be held on 21 June 2002.

9. The Executive Director pledged the full support of the Secretariat in facilitating deliberations, providing advice and facilitating an environment that would enable the Committee to carry out its challenging work in the best possible way.

10. The Chairman welcomed the pledge of support made by the Executive Director, indicating that the Ad Hoc Committee was counting on the continuation of the very good substantive and technical support it had received thus far. The Chairman stated that the Ad Hoc Committee had begun its work in the best possible spirit, but had to maintain the same vigorous pace at its second session in order to remain on track towards the implementation of its mandate. The goal of the second session was to complete the first reading of the draft text of the Convention, continuing to seek consensus on a broad and comprehensive instrument. Those attributes were essential because corruption was multifaceted and had devastating effects on the very values on which democracy and the rule of law were founded.

11. The political will of States, their "*animus negotiandi*", was key to the success of the Ad Hoc Committee. It was crucial that delegations continue to listen to each other's positions attentively, try to understand the concerns at the heart of those positions and seek ways to take into account those concerns without compromising the quality and functionality of the Convention. There were several important and delicate issues that the Ad Hoc Committee would be considering at its second session, one of which was the question of asset recovery, and the Chairman expressed his pleasure at the success of the efforts to hold the technical workshop on that issue during the second session. The question of asset recovery was one of the fundamental aspects of the Convention and would also serve as an indicator of the political will to join forces in order to protect the common good.

12. The Chairman stated that he was heartened by the higher attendance at the second session and by the presence of many least developed countries. On behalf of the Ad Hoc Committee, he thanked the Governments which had made the attendance of least developed countries possible through their voluntary contributions and expressed the hope that such support would continue for the remaining sessions of the Ad Hoc Committee. The Chairman was also pleased with the presence of many non-governmental organizations, whose voice and vigilance were necessary to the Ad Hoc Committee.

B. Attendance

13. The second session of the Ad Hoc Committee for the Negotiation of a Convention against Corruption was attended by representatives of 123 States. Also attending the second session were observers for United Nations Secretariat units, United Nations commissions, specialized agencies, intergovernmental organizations and non-governmental organizations. The list of participants is contained in annex II to the present report.

C. Adoption of the agenda and organization of work

14. At its 21st meeting, on 17 June 2002, the Ad Hoc Committee adopted the following agenda for its second session:

1. Opening of the second session of the Ad Hoc Committee.
2. Adoption of the agenda and organization of work.
3. Consideration of the draft United Nations Convention against Corruption, with particular emphasis on articles 40-50 and chapters IV-VIII.
4. Adoption of the report of the Ad Hoc Committee on its second session.

D. Documentation

15. At its second session, the Ad Hoc Committee had before it, in addition to the documents prepared by the Secretariat, documents containing proposals and contributions submitted by the Governments of Algeria, Austria, Belarus, Benin, China, Colombia,

Egypt, France, Gambia, Haiti, India, Mexico, Morocco, the Netherlands, Norway, Oman, Pakistan, Peru, the Philippines, the Russian Federation, Turkey, the United States of America and Zambia. The list of documents is contained in annex III to the present report.

III. Discussion on the draft United Nations Convention against Corruption

16. At its 21st to 38th meetings, from 17 to 20 June and from 24 to 28 June 2002, the Ad Hoc Committee continued and completed the first reading of the draft convention against corruption. The Ad Hoc Committee based its consideration of those articles on the consolidated text contained in document A/AC.261/3 (Parts II, III and IV) and on proposals and contributions made by Governments (A/AC.261/L.48 to L.64 and L.68 to L.87). Suggestions for consolidating text and proposals for new or amended provisions, together with specific observations on either the existing text or the substance of new provisions made by delegations at the second session, were included in a new version of the draft Convention (A/AC.261/3/Rev.1/Add.1).

17. At the first session of the Ad Hoc Committee, the bureau had decided to put in place arrangements to share the work involved in the negotiation of the draft convention among its members. Pursuant to those arrangements, the Ad Hoc Committee was chaired by the following Vice-Chairmen at its second session: Abdulkadir Bin Rimdap (Nigeria) at its 21st to 26th meetings, from 17 to 19 June 2002, for the consideration of articles 40 to 53 of the draft text; Victor G. Garcia III (Philippines) at its 27th and 28th meetings, on 20 June 2002, for the consideration of articles 54 to 59 of the draft text; Javier Paulinich (Peru) at its 29th to 35th meetings, from 24 to 27 June 2002, for the consideration of articles 60 to 72 of the draft text; Muhyieddeen Touq (Jordan) at its 35th meeting on 27 June 2002, for the consideration of articles 73 to 75 of the draft text; and Thomas Stelzer (Austria) at its 36th meeting, on 27 June 2002, for the consideration of articles 76 to 78 of the draft text. The Chairman of the Ad Hoc Committee led the deliberations of the Ad Hoc Committee at its 37th and 38th meetings, on 28 June 2002, on articles 79 to 85 of the draft text.

18. On Friday, 21 June 2002, the President of the General Assembly at its 56th session addressed the Ad Hoc Committee.

19. The President of the General Assembly stated that the work of the Ad Hoc Committee for the Negotiation of a Convention against Corruption represented an important element of a broad agenda for promoting a better world and took efforts against corruption to a higher, global level. The international community had come to recognize that sustainable social and economic development and, in many cases, domestic and regional peace and security depended on good governance and the rule of law, which had to rely on a corruption-free public administration. The importance of good governance and the rule of law, as well as the fight against transnational crime, were enshrined in the United Nations Millennium Declaration, of 8 September 2000. The establishment and work of the Ad Hoc Committee could be counted as one of the successes towards achieving the international targets of the Millennium Declaration. The broad terms of reference given to the Ad Hoc Committee by the General Assembly clearly established that Member States were committed to fighting corruption in all its aspects and with all the means at their disposal, including prevention, criminalization, international cooperation and the return of funds of illicit origin. The President of the General Assembly was certain that the World Summit on Sustainable Development to be held in Johannesburg, South Africa, from 26 August to 4 September 2002, would acknowledge the progress made by the Ad Hoc Committee. He had full confidence in the abilities, commitment and dedication of delegations, which would make it possible for the Ad Hoc Committee to complete its challenging task within the deadline set by the General Assembly. The President was aware of the fact that many delegates had been involved in the negotiations of the United Nations Convention against Transnational Organized Crime and its three Protocols. He was sure delegations could build on that work in a renewed spirit of cooperation and mutual understanding. In that regard, the President took the opportunity to appeal strongly to Member States to sign and ratify the United Nations Convention against Transnational Organized Crime and its Protocols as early as possible. Fighting corruption was a long-term process in every country. Long-term institutional commitment by Governments and civil

society, as well as the mass media and the academic community, together with the sustained commitment of adequate resources, were critical to the success of common efforts.

20. The Chairman expressed the appreciation of the Ad Hoc Committee for the presence of the President of the General Assembly and his encouragement and assured him that the Ad Hoc Committee and its bureau would spare no effort to comply fully with the mandate entrusted to it by the General Assembly.

21. At the 29th meeting of the Ad Hoc Committee, at the beginning of the consideration of Chapter V of the draft text, the representative of Spain made a statement on behalf of the European Union. He expressed his appreciation of the high quality of the technical workshop and indicated that the issue of measures designed to prevent and combat the transfer of funds and assets of illicit origin and the facilitation of the return of such funds and assets was of primary importance to many delegations. The European Union was therefore ready to make an effective contribution to the development of a global strategy in that area, and to the inclusion of appropriate provisions in the convention to support such a strategy. According to the European Union, an effective strategy was composed of at least two elements: preventive measures and measures relating to international cooperation. The European Union was fully aware of the complexity of the issues under consideration. However, it was convinced that, in the spirit of cooperation which had governed the negotiations thus far, it would be possible to formulate provisions which would be effective and fair to all parties concerned.

IV. Adoption of the report of the Ad Hoc Committee on its second session

22. On the recommendation of its bureau, the Ad Hoc Committee decided to begin the second reading of the draft convention at its third session. The proposed organization of work for the second session will reflect that decision.

23. At its 38th meeting, on 28 June 2002, the Ad Hoc Committee adopted the report on its second session (A/AC.261/L.65).

24. At the same meeting, the Ad Hoc Committee adopted the provisional agenda and organization of work for its third session, to be held in Vienna from 30 September to 11 October 2002 (A/AC.261/L.67).

25. Following the adoption of the report of the Ad Hoc Committee on its second session, the representative of Nigeria made a statement on behalf of the States members of the African Group. The representative of Nigeria stated that the second reading of the draft text was scheduled to begin just after the conclusion of the Group of Experts and Ministerial Meeting of the Organization of African Unity (OAU)/African Union to consider the draft OAU/African Union Convention on Combating Corruption, which would be held in Addis Ababa from 16 to 18 September 2002. Following those meetings, the States members of the African Group would be making further input to the negotiations in the areas of repatriation of funds and assets (especially in sharing, recovery and standardization of mechanisms), the definition and scope of corruption offences, regional and subregional efforts to combat corruption, mutual legal assistance, as well as on the monitoring and implementation mechanism.

26. The Ad Hoc Committee decided that as of its third session it would follow the practice of the General Assembly in determining seating arrangements.

Annex I

Technical workshop on asset recovery

1. As decided by the Ad Hoc Committee for the Negotiation of a Convention against Corruption at its first session, a one-day technical workshop on asset recovery was held on Friday, 21 June 2002, during the second session of the Ad Hoc Committee. The programme of the workshop and the list of panellists are contained in documents A/AC.261/6 and A/AC.261/6/Add.1.

2. The workshop was opened by the Chairman of the Ad Hoc Committee, who thanked the Government of Peru for its proposal to hold the workshop and welcomed the panellists. He called upon James K. Robinson, a consultant to the Centre for International Crime Prevention for the Global Study of the Transfer of Funds of Illicit Origin, to serve as Moderator for the panel discussions. Mr. Robinson noted that the deliberations of the workshop would be taken into consideration in finalizing the Global Study. He outlined the hypothetical case which was used as the basis for the workshop, in which a corrupt government leader had transferred proceeds of corruption to other countries. Following a change of government, his successors sought to retrieve those proceeds. Problems included the reluctance of witnesses to testify; difficulties in maintaining domestic proceedings before judges appointed by the former leader; and problems locating the assets and linking them to criminal offences.

3. Willie Hofmeyr of South Africa discussed the two recovery options open to the new government: procedures based on establishing that the assets were the proceeds of crime and procedures which sought their recovery as a form of damages in civil law. A dismissal of criminal charges would make criminal recovery unlikely unless such procedures could be reinstated. Legal and practical problems associated with tracing and seizure were discussed. Should proceedings be successful, the property could be recovered in a number of ways: (a) by a court judgement in the jurisdiction where the assets were located; (b) through a judgement in the country seeking their return and recognized by the other jurisdiction; or (c) by a judgement compelling the former leader or others in possession of the assets to return them, enforceable on contempt of court. Civil recovery offered some advantages, including a lower evidentiary threshold and the legal construct of attachment of liability to the assets, regardless of transfers. Disadvantages included the unavailability of criminal measures such as search and seizure and the high costs of foreign civil proceedings. Furthermore, for many countries, civil forfeiture was a procedure of a relatively novel nature and not currently permissible. The fact that most currently known cases involved civil recovery could be seen as an indication that cooperation needed for criminal cases was lacking.

4. Bruno Dalles of France discussed the tracing, freezing and seizing of assets. The laws of some countries only provided assistance and remedies for the proceeds of drug trafficking. That state of affairs could evolve thanks to the ratification of international instruments such as the United Nations Convention against Transnational Organized Crime. In France the judicial authority could directly seize assets that were the proceeds of the offence or in some offences the entire estate of the offender. Issues raised by the hypothetical case included questions of diplomatic immunities or the immunity of heads of State, which would have existed when the funds were transferred. It was necessary to keep that issue in mind in every reflection regarding the fight against corruption. Assets not directly derived from corruption might still be targeted on the basis of a broad definition of offences relating to fraud, conflict of interest or violations of rules related to disclosure or international transfers of capital. Once assets were hidden, efficient tracing required the establishment of databases on movable and immovable property, as was the case in France with the database of bank accounts. Without tracing, seizure and confiscation were not possible.

5. Sergey Skvortsov of the Russian Federation made reference to the experience of the Russian Federation and outlined two means of recovering assets: the use of mutual legal assistance based on foreign proceedings and judgements recognized by Russian Federation courts; and civil forfeiture proceedings launched in the Russian Federation. A major factor in achieving success was timely action by all the concerned parties.

He indicated that the draft convention represented an opportunity to address many problems and recommended more extensive limits on bank secrecy, the ability to target the entire estate of those involved and not just assets directly derived from an offence, and the inclusion of tax evasion as an underlying offence upon which recovery proceedings could be based.

6. José Carlos Ugaz of Peru outlined his involvement in recent attempts to recover assets transferred by the former Alberto Fujimori-led government, noting that, while the scenario used in the workshop was hypothetical, the experiences of Peru were not. A major problem was the fact that corruption had penetrated virtually every element of the former Government, neutralizing all of the substantive and procedural safeguards that would normally have applied to prevent corruption and the illicit transfers. That made taking action to prevent or recover transfers while the corrupt regime was in power virtually impossible, and increased the difficulty of doing so later on because the corruption made some of the activities technically legal and rendered safeguards such as record-keeping and transaction-reporting mechanisms unreliable or inoperative. Recovery could be made easier by reforms such as international standards for evidence, the removal of bank secrecy, the establishment and use of financial intelligence units and greater reliance on the transfer of assets by those in possession of them, even where voluntariness was in question owing to the application of court orders or the threat or existence of criminal proceedings.

7. Pascal Gossin of Switzerland discussed the situation of countries that commonly were the recipients of requests for assistance seeking recovery, from the perspective of Switzerland. Considering the hypothetical case, Switzerland would conduct a step-by-step procedure. If assistance was prima facie admissible, assets could, as a provisional measure, be traced, seized and kept frozen until the requesting country issued a confiscation judgement regarding the said assets. The request and all necessary requirements would then have to be accepted by a Swiss authority before the recovery could be effected. Proceedings would have to be initiated in the requesting country and would have to meet the procedural standards equivalent to those in the European Convention for the Protection of Human Rights and Fundamental Freedoms or in the International Covenant on Civil and Political Rights, adopted by the General Assembly on 16 December 1966. The crimes in question would have had to be not of political or military nature, or simple tax evasion, and an equivalent crime would have to exist under Swiss law (dual criminality). Bona fide third parties and individual victims could challenge the recovery request, inasmuch as they had a link to Switzerland (residence or acquisition of property rights in Switzerland). If the full requirement for recovery were not met, the Swiss State could nevertheless grant the recovery request but under certain conditions (e.g. respect of human rights) or try to confiscate the assets according to the Swiss law against money-laundering. Lessons learned from recent recovery requests included the need for transparency on the part of the countries involved (exchange of information between recipient countries, e.g. within the framework of task forces), the absence of political motives for recovery and the need in some cases for a scheme for ultimate distribution or disposal of funds.

8. Haydee B. Yorac of the Philippines turned to the question of preventing the initial transfer of proceeds of corruption. She discussed the hypothetical case and the problems faced by her own Government in seeking to recover funds transferred by the regime of former President Ferdinand Marcos. She agreed that prevention was desirable, but noted that it was very difficult in cases such as those of Peru and the Philippines, where institutions and officials at the highest levels had been corrupted. Domestic criminal justice institutions could not be used while such regimes were in office, and often for some time afterwards while reforms were implemented. Corrupt officials also often destroyed essential evidence.

9. Kuniji Shibahara of Japan noted that many preventive elements were based in the laws and financial systems of other countries and could be used even while corrupt Governments were still in power. Those included the identification of suspicious transactions, prohibitions on anonymous transactions and bank accounts and the keeping of records to support subsequent tracing efforts. There was a general trend towards acceptance of preventive and deterrent measures.

10. Penelope-Ann Mammatah of Ghana noted that in west African countries, many basic money-laundering offences and controls had not been incorporated into national laws. She discussed those which were seen as

necessary or beneficial, including stronger accounting standards, an end to bank secrecy, the reporting of bank earnings and deficits, powers to compel disclosure of assets, mandatory financial disclosures of public and private transactions, the establishment of financial intelligence units, general regulation and self-regulation of the banking and financial industries and better institutional cooperation. The lack of specialized skills and knowledge on the part of judges and prosecutors was also a problem in developing countries and training was needed, including in the use of computers and information systems, to search for assets and transaction records.

11. In the discussion that followed each of the presentations, further issues were raised. Those included problems associated with locus standi, the identification of parties and the roles of individual victims in civil proceedings; whether requested countries should have a role in distributing proceeds or simply transfer them back en masse, leaving distribution to the requesting countries; limitation periods for civil actions and how those could be avoided; the different standards of proof in civil and criminal cases and whether "double jeopardy" restrictions precluded the use of both civil and criminal measures in a specific case; problems associated with diplomatic or sovereign immunities; the perception that recovery efforts were politically motivated in cases of high-level corruption; and issues arising where assets were found in the possession of bona fide third parties. A number of possible measures were suggested by panellists or delegates, including: controls on the use of anonymous or "shell" companies; subjecting the proceeds of high-level corruption to forfeiture and recovery whether or not a crime existed when they were generated; subjecting the proceeds of tax evasion to recovery; enhancing the powers of other countries to block transfers where corruption made the source country unwilling or unable to do so; and the question of whether the convention should contain a single unified recovery scheme or create a range of options.

12. Furthermore, additional comments were also made focusing on: (a) the need to address the problem of tracing and seizing illicit proceeds to transferees after the death of a corrupt official where no criminal prosecution was possible; (b) the need to establish more uniform criteria for evidentiary standards with respect to freezing and seizure of assets of illicit origin, including perhaps a model statute for such matters; (c) the need to establish uniform standards for asset sharing between cooperating countries with respect to seized assets of illicit origin; and (d) the possibility of making greater use of rewards for information leading to the return of assets of illicit origin or using civil qui tam litigation whereby private citizens or "whistle-blowers" could sue corrupt officials and others who defrauded the Government on behalf of the State and then be rewarded with a portion of the assets of illicit origin recovered on behalf of the State.

Annex II

List of participants

States

Algeria	Taous Ferroukhi, Nabil Haltali, Linda Briza, Mustapha Lahreche, Salah El-Hamdi, Abdelmadjid Mahreche
Angola	Henrique dos Santos, F. L. Figueiredo, Antonio Felismino, Julio Helder Moura Lucas, Dulce Gomes, Jose Leitao Bravo da Costa
Antigua and Barbuda	Eike Malling, Wolfgang Breitenthaler
Argentina	Gustavo E. Figueroa, Beatriz Vivas de Lezica
Australia	Sonja Litz, Helen Stylianou
Austria	Thomas Stelzer, Johann Froehlich, Helmut Tichy, Michael Postl, Wolfgang Spadinger, Johann Haller, Irene Gartner, Gudrun Zagel, Alexander Wojda
Azerbaijan	Vaqif Sadiqov, Sayyad Karimov, Fikrat Axundov
Belarus	Viktar Gaisenak, Olga Zvereva
Belgium	Jean-Cedric Janssens de Bisthoven, Paul Van Ingelgom, J. S. Jamart, Wouter Boucique
Belize	Alexander Piletsky, Kwan Rhee, Elina Piletsky, Rohan Philip
Benin	Anne Cica Adjaï, Fortune Luc Olivier Guezo
Bolivia	Jaime Niño de Guzmán, Mary Carrasco Monje, Miriam Siles Crespo, Marcia Carrasco
Bosnia and Herzegovina	Amira Kapetanovic, Nada Jankovic
Botswana	Tymon M. Katlholo, Lizo Ngcongco
Brazil	Roberto Abdenur, Rafael Koerig Gessinger, Milton Nunes Toledo Junior, Renato de Alencar Lima
Brunei Darussalam	Intan Md. Kassim, Md. Juanda A. Rashid
Bulgaria	Ivan Naydenov, Traiko Spasov, Tsveti Romanska
Burkina Faso	Mamadou Serme, Lazare Gansore, Ousmane Traore
Burundi	Jean Pierre Ndayiragije
Canada	Keith Morrill, Douglas Breithaupt, Katherine Liao, Karim Amégan, Nathalie Dion
Cape Verde	Boaventura Jose dos Santos, Alirio Vicente Silva, Carla Miranda Spinola

Chile	Raimundo González Aninat, Luis Plaza Gentina, Alvaro Guzman, Diego Garcia
China	Zhang Yan, Zhang Honghong, Pei Xianding, Huang Feng, Liu Yinghai, Chen Zhengyun, Jiang Tian, Tian Lixiao, Chen Min, Cheng Hao, Jiang Wenyue, Cao Liqun, Guo Yang, Zhao Qiang, Ke Yousheng
Colombia	Hector Charry Samper, Carlos Eduardo Mejia Escobar, Lorenzo Calderon Jaramillo, Juliana Bustamante Reyes, Carlos Rodriguez Bocanegra, Diana Patricia Mejia Molina
Comoros	Assoumani Y. Moegni
Costa Rica	Stella Aviram Neuman
Croatia	Mario Nobilo, Vesna Vukovic, Zeljko Horvatic
Cuba	Jose Ramon Cabanas Rodriguez, Rolando Lorenzo Leyva, Juana Elena Ramos Rodriguez, Julio Cesar Gonzalez Marchante
Cyprus	Stavros A. Epaminondas, Robertos Vrachimis, Antonios Theocharous
Czech Republic	Jan Vidrna, Jaroslav Stepanek, Oldrich Krulik
Denmark	Torban Mailand Christensen, Lise Lauridsen, Lennart Houmann, Birte Poulsen, Line Olsen
Ecuador	Patricio Palacios, Juan F. Holguín
Egypt	Sameh Shoukry, Iskandar Ghatas, Abdel Meguid Mahmoud, Soliman Abdel Moneim, Medhat Abdel Fattah, Mohsen Mohamed El Yamany Ibrahim, Mohamed Hamdy Rashed, Salah Eldin Zidan Taha, Ahmed Fathalla, Hassan Al Laithy, Yasser Elatawi
Estonia	Mart Laanemäe, Marlen Piskunov, Katri Teedumäe
Ethiopia	Gebremichael Getaneh
Finland	Tom Grönberg, Jaakko Halttunen, Kaarle Lehmus, Reijo Pöyhönen
France	Patrick Villemur, Michèle Ramis-Plum, Claude Mathon, Eric Ruelle, Frédéric Baab, Jacques Lajoie, Delphine Lida, Alexandre Draznieks, Anne Guillou
Gambia	Joseph H. Joof, Therese Sarr, Abdou R. Cole
Germany	Hans-Peter Plischka, Georg Witschel, Manfred Moehrenschlager, Siegrid Jacoby, Dorothea Groth, Joachim Ziegler, Oliver Gehse, Barbara Friedrich, Mechthild Ruenger
Ghana	Bernard A. Takyi

Greece	Christos Alexandris, Athanasios Papaioannou, Ioannis Aggelis, Nikolaos Papaspyrou, Ekaterini Fountoulaki
Guatemala	Federico Urruela Prado, Sandra Noriega Urizar, Rossana Rivas Godoy
Guinea	Mohamed Lamine Camara, Mohamed Nhur Kamara, Mohamed Francois Falcone
Guinea-Bissau	Paulo Mendes Junior
Haiti	Michelange Obas
Holy See	Leo Boccardi, Ladislav Nemet, Agustin Vaz Guerrero
Hungary	Istvan Horvath, Attila Zsigmond, Ákos Kara, Tünde Forman, Henriett Nagy, László Gál, Sándor Virág, András Fábián, Peter Straub
India	A. K. Aggarwal, T. P. Sreenivasan, Anupam Dasgupta, Hamid Ali Rao, Hemant Karkare, Partha Satpathy
Indonesia	T. A. Samodra Sriwidjaya, Bambang Prayitno, Harry Purwanto, Bambang Djauhari, Asep Hermana, Haris Nugroho, Sulaiman Syarif, Odo Rene Mathew Manuhutu
Iran (Islamic Republic of)	Pirooz Hosseini, Fathollah Rahimi, Azizollah Negahban, Hossein Ghazavi Khorasgani, Ali Hajigholam Saryazdi, Esmaeil Baghaee Hamaneh
Iraq	Kasim Salim, Sufyan Hamid, Raad Aboud, Amal Hussein, Muhsun Abdulmajeed
Ireland	Ronan Murphy, Maeve Clery, Con O'Carroll
Italy	Claudio Moreno, Gioacchino Polimeni, Roberto Bellelli, Roberta Barberini, Giovanni Liguori, Nicola Maiorano, Alfonso Papa, Silvia Della Monica
Jamaica	Denier Little
Japan	Yukio Takasu, Masayoshi Kamohara, Masaki Wada, Hirokazu Urata, Keiko Ishihara, Tetsuo Kamata, Kiyo Kudo, Jiro Usui, Nobuoki Ishii
Jordan	Muhyieddeen Touq, Jamal Al-Shamayleh, Mohamed Hauamdeh, Musleh El Kaid, Ghazi Al-Faori, Sabah Al-Rafie
Kenya	Michael D. Kinyanjui, Florence T. Ochieng
Kuwait	Bader Al-Mesad, Salah Al-Ben Ali, Zakaria Al-Ansari, Zeiad Al-Anbaie
Lao People's Democratic Republic	Sida Laukaphone

Lebanon	Samir Chamma, Pierre Kanaan, Raymond Oueidat, Sarkis Assaad Tadros, Di 'aa Ahmad Rammadan, Houssam El Tannoukhi, Khaled Mohammad Kheir Dandashli, Hala Adel Zeaiter Hassan Ayoub, Joumane Khaddage
Libyan Arab Jamahiriya	Said Abdulaati, Aisha Alfrgani, Abdulrahman Brshan, Faisal Elshaeri
Liechtenstein	Robert Wallner
Lithuania	Sarunas Adomavicius, Violeta Popovaite
Luxembourg	Georges Santer, Pierre Franck, Nadia Ernzer, Luc Reding
Malawi	Fiona Kalemba
Malaysia	Dato' Mohd. Zawawi Mohd. Nordin, Yaacob Hj. Md. Sam, Munawar Kabir Mohd, Rushan Lufti Mohamed, Shariffah Norhana Syed Mustaffa
Mali	Christian Idrissa Diassana, Mohamed Maiga
Mexico	Patricia Olamendi Torres, Joel Hernandez, Ambrosio Michel, Eduardo Hector Moguel Flores, Carlos Rochin, Sandro Garcia-Rojas Castillo, Raúl Carrera Pliego, Julian Juarez Cadenas, Sylvia Cabrera
Monaco	Ariane Picco-Margossian, Sabine-Anne Minazzoli, Alain Van Den Corput
Morocco	Abdellatif Saadi, Monkid Mestassi, Abdeslam El Imani, Ahmed Ait-Taleb
Mozambique	Isac Armando Matola
Myanmar	U. Than Win
Namibia	Lineekela J. Mboti, Simon M. Maruta
Nepal	Bhesh Raj Sharma
Netherlands	Jaap Ramaker, Dennis de Jong, Hans Abma, Jolien Schukking, Michiel P. J. Bierkens, Irene Plugge, Jock Geselschap
New Zealand	Barbara Bridge, Nazla Carmine
Niger	Boukar Ary Mai Tanimoune
Nigeria	T.A.A. Osinuga, A. B. Rimdap, S. L. Mohammed, Bola Odugbesan
Norway	Helga Hernes, Helle Klem, Berit Tvete, Eva Joly, Marius Stub, Kjetil Aasland, Bent Sofus Tranøy

Oman	Ali Nasser Seif Al-Bualy, Yakoob Al-Saidy, Khamis Salim Khamis Al-Khalili, Mahfoodh Dawood Ali Al-Balushi, Mohamed Al-Dughaishi, Ahmad Bin Said Al-Hosny
Pakistan	Ali Sarwar Naqvi, Ross Masud, Ahmer Bilal Soofi, Muhammad Kamran Akhtar
Panama	Jorge Enrique Halphen Perez
Papua New Guinea	Fred Tomo
Peru	Javier Paulinich, Javier Diez-Canseco, Hugo Portugal, Carlos Enrique Morelli, Astrid Leigh Vetter, Manuel Alvarez Espinal
Philippines	Victor G. Garcia III, Mary Anne A. Padua
Poland	Anna Grupinska, Mariusz Skowronski, Zbigniew Wrona, Agnieszka Stawiarz, Waclaw Gasiorowski, Lech Mastalerz
Portugal	Carlos Neves Ferreira, Liliana Araújo, Maria do Carmo Costa, António Folgado
Qatar	Abdullah Yousef Al-Mal, Fahad Ali Al Hinzab, Mohammed Al-Sulaiti, Ahmad Abdullah Al-Houti, Abdulla Yousef M. Almal, Ahmad Mohd H. H. Al-Sulaiti, Najat Al-Khalaf
Republic of Korea	Chung Hae-Moon, Shin Maeng-Ho, Rhee Zha-Hyoung, Kim Soo-Hyun, Kim Hee-Soon
Romania	Liviu Bota, Nicoleta Iliescu, Sorin Tanasescu, Alina Papuc, Dan Constantin
Russian Federation	I. I. Rogachev, M. I. Kalinin, V. I. Mikhailov, O. I. Mytsykova, Sergey F. Skvortsov, V. A. Kolodyazhnyi, V. A. Grobovoy, V. V. Svinarev, A. G. Norchenko, A. V. Tonkoglas, A. G. Filimonova, V. V. Sergeev, D. R. Okhotnikov, S. V. Zemskyi
Rwanda	Paul Ruyenzi, Anaclet Nzabamwita, Stanislas Kabalira
Saudi Arabia	Omar Mohammed Kurdi, Abdulrahim Al-Ghamdi, Abdullah Abdulrahman Al-Yousef, Saleh Abdullah Al-Ghamdi, Hamad S. Al-Natheer, Saad Bin Yahya Khwaji, Mohammed Abdul-Aziz Al Mehizea, Majed Abdul-Mohssen Al Hamid, Ahmad Mohammed Al-Khouayter, Saud Al-Mutlaq
Senegal	Amadou Diallo, Felix Oudiane, Abou Diop
Sierra Leone	Neneh Dabo
Singapore	Oon Soo Khoo, Mathew Joseph, Marcus Song, Kee Yong Lee

Slovakia	Vladimir Kotulic, Oksana Tomova, Roman Goga, L'ubica Erdelska, Jozef Malankevic, Marietta Sencáková, Jozef Szabo
Slovenia	Nina Radulovic
South Africa	A. P. Rapea, I. K. Bodasing, M. Lungisa Dyosi, A. J. Du Plessis, N. S. Schoombie, S. V. Mangcotywa, K. Seape
Spain	Antonio Nuñez García-Saúco, Francisco De Miguel Alvarez, Alfredo Pascual, Sancho Iñiguez Hernández, David Melgar, Eusterio Pérez Gago, Francisco Javier González Ibáñez, José María De Las Cuevas Carretero, Ignacio Baylina Ruiz
Sri Lanka	W.A.T. Gunatillake, H.M.G.R.R.K. Wijeratne-Mendis
Sudan	Abdel Ghaffar A. Hassan, Kamal Bashir Ahmed
Swaziland	Melusie M. Masuku
Sweden	Håkan Öberg, Lennart Klackenberg, Åsa Gustafsson
Switzerland	Jacques De Watteville, Lorenzo Schnyder Von Wartensee, Bernard Jaggy, Andrea Candrian, Christine Magnin, Stephan Guerber
Syrian Arab Republic	Abboud Al-Sarraj, Safwan Ghanem, Mohamed Onfouan Naeb
Thailand	Karn Chiranond, Wanchai Roujanawong, Pongpat Riangkruar, Korbkul Kaewtip, Chaiyot Sintuprasit, Piyatida Chongudomliuk, Suphanvasa Chotikajan, Rongvudhi Virabutr
Togo	Awoki Panassa, Essossimna Legzim-Balouki, Koffi A. Maxime Assah
Tunisia	Afif Hendaoui, Emna Lazoghli, Bechir Chouikh
Turkey	Aydin Sahinbas, Osman Paksüt, R. Bülent Tarhan, Namik Güner Erpul, Aydin Özbay, Süleyman Savas Erdem, Filiz Ercan Coskun, Metin Eksi, Rafet Ufuk Önder
Uganda	Atepo Mohammed
Ukraine	Anatolii Redka, Valerii Ratsiuk, Oleksii Shovkoplias, Liubov Butenko, Igor Kusnir, Viktoria Kuvshynnykova
United Arab Emirates	Ahmed Rashed Al-Dosari, Mohamed Mahmoud Al Kamali, Abdullah Yousef Al Shamsi, Aref Mohamed Abdul Raheem, Abdulah Hamdan Al Naqabi, Ayad Al-Yasiri
United Kingdom of Great Britain and Northern Ireland	Peter Jenkins, Mark Etherton, Ian Richards, Phil Mason, Sharon Kinsley, Lisa Witting, Sharon Boyle

United States of America	Kenneth Brill, Elizabeth Verville, Stephen Noble, John Harris, Kathleen Barmon, John Brandolino, Daniel Claman, David Fisher, Joseph Gangloff, Thomas Heinemann, Kenneth Propp, Marie Schwieterman, Katherine Tobin
Uruguay	Fructuoso Pittaluga-Fonseca, Elsa Borges, Gustavo Alvarez
Uzbekistan	Yakubdjan Irgashev, Aziz Aliev
Venezuela	Clodovaldo Rusián, Gustavo Márquez Marín, Miriam García de Perez, Victor Manzanares, Ernesto Navazio
Viet Nam	Hoang Van Nha, Nguyen Truong Giang, Do Van Le, Ha Trong Cong, Nguyen Ngoc Anh, Nguyen Pham Kim Chi, Vo Van Tuyen
Yemen	Nageeb Ahmed Obeid, Abdurraman Mohamed A. Al-Hadrami, Abdulkader Ismail Mohamed, Abdulghani Thabit Al-Maktari, Nageeb Ismail Ali
Yugoslavia	Branislav Milinkovic, Boris Batarilo, Jovica Cedic
Zambia	Rosewin M. Wandi, Peter Bubenshi
Zimbabwe	T. J. Kangai, Stephen Mutamba, Benjamin T. Mhiripiri, Vova Chikanda, Barbara Chimhandamba

United Nations Secretariat units

Office for Drug Control and Crime Prevention

United Nations commissions

United Nations Commission on International Trade Law

Specialized agencies

World Health Organization, United Nations Industrial Development Organization

Other intergovernmental organizations

Asian-African Legal Consultative Organization, Commonwealth Secretariat, Council of Arab Ministers of the Interior, Council of Europe, Council of the European Union, Customs Cooperation Council, European Commission, Inter-American Development Bank, International Criminal Police Organization, Organization of the Islamic Conference, Sovereign Military Order of Malta

Non-governmental organizations

General consultative status: Asia Crime Prevention Foundation, International Abolitionist Federation, International Chamber of Commerce, Soroptimist International, Zonta International

Special consultative status: Arab Lawyers Union, Baha'i International Community, Institute for Security Studies, International Council of Women, International Federation of Social Workers, International Federation of University Women, National Council of German Women's Organizations, Pax Romana, Syriac Universal Alliance, Union Internationale des Avocats

Roster: International Police Organization

Other non-governmental organizations

African Network for Environmental and Economic Justice, Transparency International, Centro italiano di solidarietà

Annex III

List of documents before the Ad Hoc Committee at its second session

Document symbol	*Title or description*
A/AC.261/3/Rev.1	Revised draft United Nations Convention against Corruption
A/AC.261/3 (Part II)	Draft United Nations Convention against Corruption: articles 19-50
A/AC.261/3 (Part III)	Draft United Nations Convention against Corruption: articles 51-59
A/AC.261/3 (Part IV)	Draft United Nations Convention against Corruption: articles 60-75
A/AC.261/4	Report of the Ad Hoc Committee for the Negotiation of a Convention against Corruption on its first session, held in Vienna from 21 January to 1 February 2002
A/AC.261/5	Annotated provisional agenda and proposed organization of work
A/AC.261/6 and Add. 1	Programme of the technical workshop on asset recovery, to be held in Vienna on 21 June 2002
A/AC.261/L.48	Oman: amendments to articles 2, 8, 22, 40-44, 46-50 and 52-60
A/AC.261/L.49	Egypt: amendments to articles 40-65
A/AC.261/L.49/Add.1	Egypt: amendments to articles 40-65 (articles 42-50)
A/AC.261/L.49/Add.2	Egypt: amendments to articles 40-65 (articles 51 and 53)
A/AC.261/L.50	Benin: amendments to articles 40-50
A/AC.261/L.51	Mexico: amendments to article 40
A/AC.261/L.52	France: amendment to article 40
A/AC.261/L.53	Mexico: amendments to articles 44 and 45
A/AC.261/L.54	Pakistan: amendments to article 44
A/AC.261/L.55	Morocco: amendments to article 44
A/AC.261/L.56	Russian Federation: amendments to article 46
A/AC.261/L.57	Mexico: proposal for a new article on statute of limitations
A/AC.261/L.58	Austria, Colombia, Egypt, France, Mexico, Netherlands, Pakistan and Turkey: amendments to article 40
A/AC.261/L.59	Belarus: proposals on articles 40, 42, 43, 46, 47, 49-51, 53-57, 59, 61, 63-66 and 69 (40, 42 and 43)

A/AC.261/L.59/Add.1	Belarus: proposals on articles 40, 42, 43, 46, 47, 49-51, 53-57, 59, 61, 63-66 and 69 (46, 47, 49-51 and 53-57)
A/AC.261/L.59/Add.2	Belarus: proposals on articles 40, 42, 43, 46, 47, 49-51, 53-57, 59, 61, 63-66 and 69 (59, 61, 63-66 and 69)
A/AC.261/L.60	Haiti: amendment to article 40 bis, contained in proposal submitted by Mexico (A/AC.261/L.57)
A/AC.261/L.61	Austria and the Netherlands: amendment relating to article 48
A/AC.261/L.62	The Gambia and the Netherlands: new article 48 bis
A/AC.261/L.63	Austria, Colombia, Mexico, Netherlands, Pakistan, Philippines and Turkey: amendments to article 42
A/AC.261/L.64	India: amendments to articles 40 and 42
A/AC.261/L.65	Draft report
A/AC.261/L.66	Revised draft United Nations Convention against Corruption (articles 40 to 72)
A/AC.261/L.67	Draft provisional agenda and proposed organization of work of the third session of the Ad Hoc Committee for the Negotiation of a Convention against Corruption, to be held in Vienna from 30 September to 11 October 2002
A/AC.261/L.68	Austria, Netherlands, Colombia and Mexico: amendments to article 53
A/AC.261/L.69	Austria and the Netherlands: amendments to articles 66 to 70
A/AC.261/L.70	Austria, Colombia, Netherlands, Pakistan and Turkey: amendments to article 59
A/AC.261/L.71	Zambia: amendments to articles 60-62 and unnumbered articles contained in Chapter V and to term used in Chapter VII
A/AC.261/L.72	Mexico: amendments to articles 44 and 45
A/AC.261/L.73	Austria, Colombia, France, Mexico, the Netherlands and Turkey: amendments to articles 13 and 43
A/AC.261/L.74	India: amendments to articles 43, 45, 48, 50 and 54
A/AC.261/L.75	Austria, Colombia, Mexico and Netherlands: amendments to article 50
A/AC.261/L.76	Austria, Colombia, France, Netherlands and Russian Federation: consolidated text for article 46
A/AC.261/L.77	Peru: amendments to article 57

A/AC.261/L.78	Norway: amendments to article 68, as submitted in the proposal by Austria and the Netherlands (A/AC.261/L.69)
A/AC.261/L.79	Peru and the United States of America: amendments to article 65
A/AC.261/L.80	Algeria: amendments to article 61
A/AC.261/L.81	Peru: amendments to article 66
A/AC.261/L.82	China: amendments to articles 64 and 67
A/AC.261/L.83	Peru: amendments to article 76
A/AC.261/L.84	Colombia: amendments to articles 69 and 72
A/AC.261/L.85	Colombia: amendments to article 68
A/AC.261/L.86	Austria, Colombia and Netherlands: amendment to article 75
A/AC.261/L.87	Egypt: amendment to article 76
A/AC.261/CRP.1	Paper submitted by Spain concerning the seminar on return of illicit funds as proposed by Peru
A/AC.261/CRP.2	Proposal submitted by Germany on a questionnaire to be distributed in preparation for the technical workshop on the question of asset recovery to be held on 21 June 2002
A/AC.261/CRP.3	Comparison between the articles of Chapter V of the draft Convention with overlapping or related provisions in the draft Convention submitted by the Netherlands

United Nations A/AC.261/8

General Assembly

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Ad Hoc Committee for the Negotiation of a Convention against Corruption
Third session
Vienna, 30 September–11 October 2002

Annotated provisional agenda and proposed organization of work

Provisional agenda

1. Opening of the third session of the Ad Hoc Committee.
2. Adoption of the agenda and organization of work.
3. Consideration of the draft United Nations Convention against Corruption, with particular emphasis on articles 1-39.
4. Adoption of the report of the Ad Hoc Committee on its third session.

Annotations

1. Opening of the second session of the Ad Hoc Committee

The third session of the Ad Hoc Committee for the Negotiation of a Convention against Corruption will be convened on Monday, 30 September 2002, at 10 a.m.

2. Adoption of the agenda and organization of work

At its second session, held in Vienna from 17 to 28 June 2002, the Ad Hoc Committee approved the provisional agenda and proposed organization of work for its third session (A/AC.261/L.67).

The resources available to the Ad Hoc Committee at its third session will permit the holding of two meetings per day with simultaneous interpretation in the official languages of the United Nations.

The proposed organization of work contained in the annex to the present document is intended to facilitate consideration of the agenda items within the time allocated to the session and in accordance with the conference services available.

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3. Consideration of the draft United Nations Convention against Corruption, with particular emphasis on articles 1-39

At its first and second sessions, the Ad Hoc Committee concluded the first reading of the draft United Nations Convention against Corruption (as contained in documents A/AC.261/3 (Part I), (Part II), (Part III) and (Part IV)). At its second session, the Ad Hoc Committee decided to make every possible effort to complete the second reading of articles 1-39 of the draft Convention at its third session.

Documentation

Revised draft United Nations Convention against Corruption (A/AC.261/3/Rev.1) (preamble and arts. 1-39)

Revised draft United Nations Convention against Corruption (A/AC.261/3/Rev.1/Add.1) (for arts. 40-85)

Report of the Ad Hoc Committee for the Negotiation of a Convention against Corruption on its second session, held in Vienna from 17 to 28 June 2002 (A/AC.261/7)

Proposals and contributions by Governments (A/AC.261/9 to 12)

4. Adoption of the report of the Ad Hoc Committee on its third session

The Ad Hoc Committee is to adopt a report on its third session, the draft of which will be prepared by the Rapporteur.

Annex

Proposed organization of work of the third session of the Ad Hoc Committee for the Negotiation of a Convention against Corruption, to be held in Vienna from 30 September to 11 October 2002

Plenary

Date	*Time*	*Item*	*Title or description*
Monday, 30 September	10 a.m.-1 p.m.	1	Opening of the third session of the Ad Hoc Committee
		2	Adoption of the agenda and organization of work
		3	Consideration of the draft United Nations Convention against Corruption, with particular emphasis on articles 1-39
	3-6 p.m.	3	Continuation of the discussion
Tuesday, 1 October-Friday, 4 October	10 a.m-1 p.m. and 3-6 p.m.	3	Continuation of the discussion
Monday, 7 October-Thursday, 10 October	10 a.m-1 p.m. and 3-6 p.m.	3	Continuation of the discussion
Friday, 11 October	10 a.m.-1 p.m. and 3-6 p.m.	3	Continuation and conclusion of the discussion
		4	Consideration and adoption of the report of the Ad Hoc Committee on its third session